

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

MARY SUE HUBBARD, et al.

Criminal Case No. 78-401

SENTENCING MEMORANDUM OF THE UNITED STATES OF AMERICA

The United States of America, respectfully submits this Sentencing Memorandum to aid the Court in imposing sentence in this case.

Initially, the United States must point out that as part of the agreement which this Court found to exist between it and the defendants, the United States agreed that it would take "no position and is making no request on the matter of sentence with respect to the defendant [Mary Sue] Hubbard." Memorandum Opinion of October 8, 1979 at 10. However, as this Court found, it was also "understood that Mrs. Hubbard through her counsel will make no statement in allocution concerning the facts of the case." Id. The United States is, of course, prepared to abide by the Court's ruling, as it has always been, as long as the defendant Hubbard religiously abides by it as well. Moreover, as this Court held "as to any defendant, including Mrs. Hubbard, the government may dispute any statements of fact on any matter with which it has disagreement." The United States intends to correct any misstatement of facts made by Ms. Hubbard or her counsel. In view of this Court's ruling, the United takes "no position and is making no request" regarding the sentencing of the defendant Hubbard. All representations contained in

the instant memorandum therefore apply only to the other eight defendants.^{1/}

The United States initiated the investigation which resulted in the instant indictment in view of the brazen, systematic and persistent burglaries of United States Government offices in Washington, D.C., and Los Angeles, California, over an extended period of at least some two years. Additionally, the United States was confronted with the pervasive conduct of the defendants in this case in thwarting a federal Grand Jury investigation by harboring a fugitive, in effect forcefully kidnapping a witness who had decided to surrender to the federal authorities, submitting false evidence to the Grand Jury, destroying other evidence which might have been of valuable aid to its investigation, preparing a cover-up story, and encouraging and drilling a crucial witness to give false testimony under oath to that Grand Jury. Such outrageous conduct, it was felt, struck at the very heart of our judicial system -- a system which has often been, at crucial times in our history, the savior of our institutions. We considered that in view of the widespread and long drawn out nature of these offenses, as well as their heinousness, we would have been derelict in our duty to enforce the laws if we had failed to bring the charges in the instant indictment. Moreover, a review of the documents seized in the two Los Angeles, California, searches, which have since been unsealed by this Court, show the incredible and sweeping nature of the criminal conduct of the defendants and of the organization which they led. These crimes include the

^{1/} In light of the aforementioned agreement regarding the Government's allocution concerning the defendant Hubbard, references in the plural to "defendants" do not include that defendant.

infiltration and theft of documents from a number of prominent private national and world organizations, law firms and newspapers; the execution of smear campaigns and baseless law suits to destroy private individuals who had attempted to exercise their First Amendment rights to freedom of expression; the framing of private citizens who had been critical of Scientology, including the forging of documents which led to the indictment of at least one innocent person; violation of the civil rights of prominent private figures and public officials. These are but a few of the criminal acts not covered in the "uncontested" stipulation of evidence which the United States believes this Court must consider in imposing an appropriate sentence in the instant case. These other crimes are discussed at length in section V of the instant memorandum.

In view of the severity and heinousness of the crimes of which the defendants Heldt, Snider, Willardson, Weigand, Raymond, Hermann, Wolfe and Thomas were convicted, as well as the additional criminal acts committed by these defendants which we now bring to this Court's attention, we submit that the public interest demands the imposition of the maximum terms of incarceration and, where appropriate, the maximum fines provided by the law. This Court must make it clear beyond peradventure that the criminal conduct of the above-named defendants cannot be countenanced and that anyone found guilty of tampering with the judicial system -- a system which this Court has often referred to as "quasi-religious" in nature -- will be dealt with in the most severe terms provided by the law.

I.

Introduction

The defendants in this case, Henning Heldt, Duke Snider, Richard Weigand, Gregory Willardson, Mitchell Hermann, a/k/a Mike Cooper, Cindy Raymond, Gerald Bennett Wolfe, and Sharon Thomas each stand before this Court convicted of one count of a twenty-eight count indictment.^{2/} The indictment and the evidence set out massive conspiracies to burglarize Government offices, steal Government property, intercept private Governmental communications, obstruct the Federal Bureau of Investigation and Grand Jury investigation into those burglaries, thefts, and "buggings", harbor and conceal a fugitive, and make false declarations to the federal Grand Jury. Each of the defendants, while found guilty of only one count of that indictment, entered into an "uncontested" stipulation of evidence on October 26, 1979, which stipulation set forth in detail the United States' evidence on each of the counts in the indictment. The defendants, by placing their signatures on that stipulation of evidence, did not contest the accuracy or sufficiency of the evidence contained therein, and, indeed, pleaded with this Court to find them guilty based upon that stipulation. Thus, the United States is at a total loss to understand the statements of the defendant Thomas' attorney, Leonard J. Koenick, to the probation officer contesting the accuracy of the facts set out in the "uncontested" stipulation of evidence which he and his client individually signed in open Court on October 26, 1979. Mr. Koenick's protestations must be rejected out of hand and

^{2/} The defendants Heldt, Snider, Weigand, Willardson, Raymond, and Wolfe were convicted of Count XXIII; the defendant Hermann was found guilty of Count I; and the defendant Thomas was convicted of Count XVII.

represent a clear example of the failure of his client to comprehend the gravity of her crimes.

The presentence reports of all defendants, except defendant Hubbard, contain the statement that "according to the U.S. Attorney, all of the perpetrators involved in this Conspiracy went beyond what the Church of Scientology expected of them." Presentence Reports at 5. Upon reviewing these reports, the United States informed the Probation Office that that statement was an incorrect representation of the United States' view of the evidence. In view of the press of business and the lack of time to make the necessary correction, the Probation Office indicated that it would orally convey that error and the correct position of the United States to this Court. In fact, it is the position of the United States that each and everyone of the defendants herein fulfilled his duties as expected by the Church of Scientology, that all of their criminal activities, as well as those of all unindicted co-conspirators, were carried out in furtherance of the very goals of their Church. The very policies of the Church, as reflected by its Guardian Orders called for the execution of massive criminal conspiracies and rewarded the participants for their success in carrying out these criminal policies.

II.

The Law

The right of this Court to consider evidence of other crimes prior to imposing a sentence has long been recognized. It is well settled that "before making [a sentencing] determination, a judge may appropriately conduct an inquiry broad in scope, largely unlimited either as to the kind of information he may consider, or the source from which it may come."

United States v. Tucker, 404 U.S. 443, 446 (1972). Courts have a duty to obtain as much information as they can about a convicted defendant's background, character, and conduct, criminal or otherwise, so that they can impose a sentence to fit the circumstances of the case and the individual defendant. See United States v. Grayson, 98 S.Ct. 2610 (1978); 18 U.S.C. §3577 (1976). Thus, hearsay assertions are admissible, Williams v. Oklahoma, 358 U.S. 576 (1959), as is information about prior crimes committed by the defendant, even if the indictments for those crimes are pending, United States v. Metz, 470 F.2d 1140 (3d Cir. 1972), cert. denied, 411 U.S. 919 (1973), or the defendant was never tried for the other crimes, Williams v. New York, 337 U.S. 241, 244 (1949), or the charges were dismissed without an adjudication on the merits, United States v. Doyle, 348 F.2d 715 (2d Cir.), cert. denied, 382 U.S. 843 (1965); United States v. Needles, 472 F.2d 652, 655 (2d Cir. 1973); or the defendant otherwise avoided conviction. United States v. Jones, 113 U.S.App.D.C. 233, 307 F.2d 190 (1962), cert. denied, 372 U.S. 919 (1963); United States v. Cifarelli, 401 F.2d 512, 514 (2d Cir.), cert. denied, 393 U.S. 987 (1968). Even facts developed in prosecutions where the defendant was acquitted can be considered by the sentencing judge. United States v. Sweig, 454 F.2d 181 (2d Cir. 1972).

In addition, the Court can consider all the circumstances surrounding a defendant's conviction for the present crime. As in the case where a defendant enters a guilty plea, where a defendant agrees to be found guilty to one offense on consent of the prosecution to dismiss other charges, the judge can consider the factual basis of the dismissed charges when imposing sentence. United States v. Marines, 535 F.2d

552 (10th Cir. 1976); United States v. Majors, 490 F.2d 1321 (10th Cir. 1974), cert. denied, 420 U.S. 932 (1975). A court is also warranted in increasing the sentence when it believes that the defendant has undermined the judicial system through repeated perjury. United States v. Grayson, 98 S.Ct. 2610 (1978).

III.

Evidence As To Each Defendant
Concerning the Count On Which
That Defendant Was Convicted.

A. Henning Heldt

As previously noted, defendant Heldt was convicted of count 23 of the indictment: conspiracy to obstruct a criminal investigation, obstruct justice, harbor and conceal a fugitive, and make false declarations before a federal Grand Jury. The evidence introduced by the United States demonstrates that defendant Heldt was a highly active participant in this conspiracy from its inception. Indeed, not only by virtue of his position as the highest official in the Guardian's Office in the United States but also as reflected in the conduct in which he engaged, defendant Heldt fulfilled the role of the manager and strategist of both conspiracies throughout their existence.

Thus, on June 13, 1976, merely two days after Gerald Bennett Wolfe's and Michael Meisner's encounter with Special Agent Christine Hansen of the Federal Bureau of Investigation (FBI) in the library located in the United States Courthouse in Washington, D.C., defendant Heldt met with Mr. Meisner and defendants Snider and Weigand in Heldt's sixth floor offices in Fifield Manor, Los Angeles, California (stip. 180), at which time Heldt indicated that he had already read Mr. Meisner's report of the June 11 incident. During the meeting,

defendant Heldt indicated that he and defendant Snider had formulated a plan which called for the removal of both defendant Wolfe and Mr. Meisner from the District of Columbia, stating that this would render the FBI's search for the June 11 burglars impossible. (Stip. 181.) That meeting ended with Heldt giving instructions to defendant Weigand and Mr. Meisner to further analyze the above plan and an alternative one formulated by defendants Weigand and Willardson and present one for his (Heldt's) final approval. (Id.) defendant Heldt's approval of defendant Weigand's plan (stip. 176 et seq.) was received by defendant Weigand later that some evening.

Clearly then, defendant Heldt took upon himself a critical role in the earliest decisions and continued in that role at every major point in the conspiracy. For example, in September 1976 orders from defendant Heldt directing that Mr. Meisner remain in Los Angeles so as to facilitate his concealment by the Guardian's Office, were conveyed by defendant Weigand to defendant Hermann. (Stip. 201-202.) Similarly, in the following month, defendant Heldt expressly approved a trip by a Guardian's Office official to the District of Columbia to check on security there and on the continued functioning of two of Scientology's covert operatives in Government agencies. Throughout this time period, and up through the point of Mr. Meisner's flight from the Guardian's Office, defendant Heldt was a recipient of all significant Guardian's Office correspondence concerning the cover-up. Thus, on July 2, 1976, two days following the arrest of defendant Wolfe, Heldt received a copy of a report from defendant Weigand to defendant Hubbard which related the false story that defendant Wolfe had given the FBI regarding the forging of Government credentials, and the instructions

given by defendant Weigand to defendant Wolfe concerning his future contacts with Church of Scientology facilities and personnel. (Stip. 194 and n.140.) On August 30, 1976, he received another report in which Mr. Weigand outlined a plan to have Mr. Meisner removed from the country (stip. 198-199), as well as a subsequent letter where defendant Weigand suggested the possible basis whereby the FBI had identified Mr. Meisner. (Stip. 200, n.145 and accompanying text.) Then on September 18 he made personal notations on another letter from defendant Weigand to defendant Hubbard which set forth alternative courses of action concerning the Guardian's Office disposition of Mr. Meisner's case. (Stip. 204, n.150 and accompanying text.) Ten days later, defendant Heldt received a copy of a letter written by Morris Budlong, the Deputy Guardian for Information World-Wide, to defendant Weigand outlining a plan whereby Mr. Meisner would be hidden in "some out of the way large city" until the Guardian's Office would "have some idea of which way things are moving". (Stip. at 207209, Government Exhibit No. 131): While the above correspondence was going back-and-forth between various officials of the Guardian's Office, defendant Heldt was aware of the existence of an arrest warrant for Mr. Meisner. (Stip. 196 et seq., Government Exhibit No. 123.) In addition, defendant Heldt knew of the FBI's request for exemplars of Mr. Meisner's handwriting, having been so informed on October 9, 1976 in a letter from defendant Hermann. (Stip. 212.) In the face of this knowledge, defendant Heldt not only failed to perform his legal responsibilities in regard to this investigation, but actively monitored Mr. Meisner's movements (see Government Exhibit No. 140, stip. 222) to ensure that he would cooperate with the Guardian's Office plans. (Stip.217.)

In a similar fashion, he monitored the progress of defendant Wolfe's case in the District of Columbia, urging its speedy disposition so that the federal investigation might be terminated. (Stip. 218.) Of course, defendant Heldt received defendant Hermann's detailed historical summary of the conspiracy at the end of November 1976 (stip. 220 et seq. and n.163) and his subsequent briefing paper and summary of January 7, 1977 in which Hermann informed Heldt, once again, of the Grand Jury investigation taking place in regard to defendant Wolfe's case and of the FBI's continued search for Mr. Meisner. (Stip. 225 et seq.)

In March 1977, defendant Heldt's involvement became even more immediate (in response to a request from Mr. Meisner) (stip. 232) and Heldt, so informed another defendant in a letter of April 1, 1977. (Stip. at 233).^{3/} Throughout April 1977, defendant Heldt was involved in much correspondence concerning the delays in ending defendant Wolfe's case, and had to answer complaints from his seniors. (Stip. 232-238.) It was at this time that defendant Heldt ordered unindicted co-conspirator Brian Andrus to create a cover story in Canada to explain Mr. Meisner's disappearance when he finally decided it would be to their advantage to surrender Mr. Meisner to the FBI. (Stip. 237-238.) Moreover, it was defendant Heldt who ordered the Information Bureau to "arrange to restrain Herb and prevent him from leaving, and to guard him so that he does not ["return to D.C. and handle the scene as he sees fit"]." (Stip. at 240.) This, of course, injected a critical element in the conspiracy -- the use of violence to

^{3/} It is worthy of note that this correspondence was in a secret code, an indication of the degree of sophistication with which defendants carried out this conspiracy. (See Government Exhibit No. 148.)

accomplish its goals. This clearly shows that this defendant and his co-conspirators would stop at nothing to accomplish their assigned tasks. Indeed, the California probation officers' statements that the defendants did not have a violent disposition reflects their total lack of familiarity or understanding of the evidence in this case. Contemporaneously, defendant Heldt also ordered the Guardian's Office Legal Bureau to assume closer supervision and control of defendant Wolfe's case. (Stip. 240-241.)

From April through June 1977, defendant Heldt assumed virtually total daily control over the conduct of the conspiracy. Thus, it was defendant Heldt who ordered defendants Willardson and Weigand to "get control" over Mr. Meisner (stip. 242), which order, of course, the latter two dutifully followed on April 30, 1977. On May 1, he was made aware of the fact that Mr. Meisner's guards had found it necessary to bind and gag him, and on May 2, defendant Heldt approved a funds request for these guards. (Stip. 244-245 and Government Exhibits Nos. 164 and 165.) On May 30, it was defendant Heldt who pleaded with Mr. Meisner to return to the Church (stip. 249 et seq.) when the latter had left for Las Vegas, and it was the defendant Heldt who met with Mr. Meisner the following evening to assure him that his case was being supervised at the highest levels of the Church. Finally, it was defendant Heldt who met with Mr. Meisner in a last-ditch effort to gain his confidence one-week before the latter's surrender to the FBI; and defendant Heldt who, after Mr. Meisner's escape, approved a plan to locate Mr. Meisner and return him to the fold.

The foregoing recital demonstrates that one of two individuals who provided leadership for the highly complex

cover-up conspiracy was defendant Heldt. In complete and utter disregard for his lawful obligations and responsibilities, defendant Heldt worked from beginning to end to insure, as best he could, that the United States never would become aware of the involvement of the Church of Scientology, its Guardian's Office, and the other defendants and co-conspirators in the burglaries, thefts, and buggings.

Defendant Heldt, in his statement to the probation officer, contained in his presentence report, now seeks to convince this Court that he is truly contrite for his criminal behavior. He states: "I regret any violation of the law, and realize that in violating the law I injured not only myself, my family, and my church, but also to some degree the system of justice and law in this country to which I am dedicated." Presentence Report at 5. The hypocrisy of that statement is beyond belief. The evidence in this case establishes beyond a shadow of doubt that defendant Heldt, instead of having dedicated himself to our "system of justice and law," had dedicated himself to the undermining of that very system. He not only approved burglaries of the United States Courthouse, but was a leading participant in a complex cover-up which included the commission of perjury to a judicial body and the destruction of evidence sought by that body. Moreover, it is interesting to note that he only regrets "to some degree" the harm which he caused "the system of justice and law in this country." One wonders whether, in fact, the only thing which this defendant and his co-conspirators really regret is the harm they caused their organization and themselves by having been caught in the commission of their crimes. This view finds support in defendant Heldt's continued assertion to the probation officer that "I feel that

what has occurred was at least in part provoked by Government harassment. . . ." Unfortunately, for this defendant and his criminal co-defendants, that assertion no longer carries any weight in view of the thousands of seized documents which this Court has unsealed.

This defendant and his cohorts, as shown in section V infra, carried thier campaign of crimes and vicious innuendos against private organizations and citizens whom they sought to destroy merely because they exercised the same First Amendment rights behind which this defendant and his organization have repeatedly sought refuge. Additionally, as the Courts in the United Kingdom, before whom the defendant's two fugitive co-conspirators attacked the United States Government for alleged harassments, have found, the actions taken by the United States Government were "required to carry out its duty to protect the public at large." Judgment of Stipendiary Magistrate W.E.C. Robbins of 25 May 1979 at 1. Indeed, after reviewing thousands of pages of documents submitted to him by the defendants Kember and Budlong, the British magistrate rejected the defendants' suggestion that they had been persecuted by the United States Government over the past thirty years. Id. at 2. That judgment was affirmed on November 30, 1979, by the High Court of Justice with the Lord Chief Justice in full agreement. Indeed, before that Court, counsel for Ms. Kember repeatedly told the Court that the United States of America had instituted the present criminal action against the defendants in good faith; that the United States would have been derelict in its duty to uphold the law had it not prosecuted these defendants. [Hearings before the High Court, November 12, 1979.]

Finally, defendant Heldt's assertion that "the policy of the Church prohibits any illegality on the part of its members or staff. . . ." is totally unfounded and incorrect. The evidence in this case and the documents seized by the FBI in Los Angeles establish beyond peradventure that the Church and its leadership had, over the years, approved, condoned and engaged in gross and widespread illegality. One, indeed, wonders how it can even be suggested that the defendants and their organization did not make illegal activities part and parcel of their daily work.

We further submit that the defendant Heldt's statement to the probation officer is not worthy of any credibility whatsoever. In a sworn affidavit dated July 18, 1976, submitted to a judicial body and appended hereto as Exhibit 1, the defendant Heldt asserted that "I do know that Church policy forbids illegalities" and that "express policy . . . which I am legally and spiritually committed to forward, forbids any illegal actions." Affidavit at 3. In fact, the defendant Heldt on July 18, 1976, when he subscribed to that affidavit under oath, knew that for the preceding few years he and the remainder of the top leadership of his organization in England and the United States had ordered, sanctioned, solicited, and rewarded, the commission of widespread violations of the law in the United States and in foreign countries. Moreover, notwithstanding the alleged policy which defendant Heldt alluded to, he and his co-defendants and co-conspirators engaged for the next year in a professionally orchestrated cover-up conspiracy which had, as its now acknowledged goal, the undermining of the judicial system in the District of Columbia. That this conspiracy failed is due only to the willingness of Michael Meisner to escape from his captors,

step forward, and assist the federal authorities, as well as to the federal authorities determination not to allow harrassment, dirty tricks, and a vicious slander and libel campaign by the defendants and their cohorts, to divert them from their duty to enforce the law in a fair and even-handed manner.

B. Duke Snider

As with defendant Heldt, defendant Snider was also found guilty by this Court of the conspiracy charged in Count 23 of the indictment. During the relevant time period encompassed by this conspiracy, defendant Snider was the Deputy Deputy Guardian for the United States, the second-ranking official in the United States' hierarchy of the Guardian's Office. Defendant Snider was present and active at several crucial stages in the formulation and execution of the conspiracy. The timing of this involvement reflects the crucial role which defendant Snider performed.

Defendant Snider's first involvement came during the June 13, 1976 meeting in defendant Heldt's office, two days after Mr. Meisner and defendant Wolfe had their encounter with the FBI. (Stip. 176 et seq.) Working jointly with defendant Heldt, he formulated one of the alternative cover-up plans considered by the defendants at the time this conspiracy was initiated. He was informed of, and participated in, discussions regarding the cover-up plan that was finally adopted. (Id.) Standing alone, this involvement at the critical stage when the conspiracy was conceived merits for defendant Snider the maximum period of incarceration provided by law.

However, this initial incident did not comprise defendant Snider's only conduct in furthering the conspiracy. For example, defendant Snider was prominent in the handling of

one of the early crises in the conspiracy's execution. In September 1976, a police lieutenant who was a member of the Church of Scientology in San Diego was directed, in violation of his oath and duties, to make an inquiry through the National Crime Information Center (NCIC) to determine the specifics of the arrest warrant for Mr. Meisner which had been issued on August 5, 1976. That inquiry precipitated an FBI contact to determine the reason for the lieutenant's inquiry. (Stip. 206-207.) In a letter to defendant Weigand written in defendant Snider's own hand, the latter observed that the inquiry by the officer had placed the Church in a vulnerable position "to be accused of conspiring with this policemen to violate the law." Defendant Snider, therefore, ordered defendant Weigand to take whatever steps were necessary to handle the problem. (Stip. 206.) By return letter, defendant Weigand assured defendant Snider that the lieutenant was a Scientologist and would obey orders (Id.), and expressed that they had "laid a nice false lead for the FBI which cant [sic] help but help us while dispersing their investigation." (Id.) Defendant Weigand further observed, for defendant Snider's benefit, that a false lead and dispersion of investigative resources "is one thing that can draw an investigation to a quik [sic] close." (Id.) In a return handwritten notation, defendant Snider expressed his satisfaction with the situation, stating that he was "glad to see it is under control." (Stip. 207.) This act shows defendant Snider's willingness to subvert the law enforcement system whenever it suited his purpose and that of his organization. Again, the United States submits that such satisfaction with the fact that law enforcement officials would be hindered in their efforts to capture the persons who had burglarized Government offices is inconsistent

with any inference of remorse for the illegal acts of burglary, theft, and "bugging" in which defendant Snider had been intimately involved. This lack of any sense of wrongdoing argues strongly against any leniency by this Court. See United States v. Grayson, supra.

Finally, it must be noted that defendant Snider was the person called upon to calm Mr. Meisner when, in October 1976 the latter began to express a desire to return to the District of Columbia. (Stip. 215.) Thus, on October 28, 1976, defendant Snider met with Mr. Meisner to convince him of the necessity for waiting to see what would happen with the defendant Wolfe's case, and to remind Mr. Meisner of the serious effect that his (Meisner's) actions would have on the Church. (Stip. 216.) Confident in the fact that he had averted a breakdown in the conspiracy plan, defendant Snider reported to defendant Heldt following the meeting that Mr. Meisner "is not a traitor and will cooperate." (Stip. 217.)

In sum, defendant Snider's position and conduct placed him at the center of the cover-up. Defendant Snider's actions can only be described as cold-blooded, premeditated attempts to subvert and frustrate the lawful processes of the United States judicial system. The United States agrees with the presentence report (at p. 11) that "definite sanctions should be implemented by the Court." Such sanction, we submit, must be in the form of a maximum prison sentence.

C. Richard Weigand

Defendant Richard Weigand shared with defendant Heldt the primary responsibilities for the planning and execution of the cover-up conspiracy of which he was found guilty. Indeed, in terms of ongoing daily management of the illegal

obstructive activities in which these defendants engaged, no one surpassed Richard Weigand.

On the night of June 11, 1976, it was the defendant Weigand who, through defendant Mitchell Hermann, issued the order for Michael Meisner to fly to Los Angeles immediately and to prepare a report of the encounter with the FBI in the United States Courthouse. (Stip. 176-177.) Upon Mr. Meisner's arrival in Los Angeles, it was to the office of defendant Weigand that he went for his first debriefing. (Id.) And it was in that same office that shortly thereafter, the defendants Weigand and Gregory Willardson met with Michael Meisner and engaged in the initial attempts to formulate alternative cover-up plans in their conspiracy against the federal judicial system in the nation's capital. (Stip. 178-183.)

The "uncontested" Stipulation of Evidence into which defendant Weigand entered establishes that, once the plot had been hatched, he undertook substantial responsibility for seeing that it was carried to fruition. In some instances, he acted upon his own authority, while in others he served as a conduit for his superiors. Moreover, for much of the conspiracy, defendant Weigand was also responsible for the dissemination of information throughout the Guardian's Office, both in the United States and Great Britain. In whatever capacity, defendant Weigand remained center-stage until one month prior to the end of the cover-up when Scientology removed him from office. A few examples of defendant Weigand's conduct will amply demonstrate the extent of his involvement, and, consequently, the reason that the United States believes that defendant Weigand must receive the maximum sentence of incarceration.

In this regard, it is significant to note that it was in defendant Weigand's home that Mr. Meisner resided for the summer following his return to Los Angeles on June 12, 1979. (Stip. 189.) Similarly, it was in defendant Weigand's office that Mr. Meisner worked while preparing a detailed report for defendant Weigand explaining the burglaries of Government offices which defendant Wolfe and Mr. Meisner had carried out at, among others, defendant Weigand's orders. Defendant Weigand, on one of his trips to Washington, D.C., in fact, made a surreptitious entry into the IRS building on Constitution Avenue, N.W., for the purpose of forging for himself an IRS identification card. Thus, there is no question that defendant Weigand was intimately aware, of the extent of the illegal activities of the Guardian's Office.

As regards the handling of defendant Wolfe's case in the District of Columbia, it was defendant Weigand to whom the defendant Hermann reported when the latter first became aware of Wolfe's arrest on June 30, 1976. (Stip. 191-192.) It was defendant Weigand who conveyed this information up the chain-of-command, often using the secret code which the Guardian's Office had developed for discussing illegal activities. (Stip. 192, text and n.138.) When inquiries were made by his superiors, it was defendant Weigand who responded. (See, e.g., Stip. 193-194, 198, 210-211.) Conversely, it was through defendant Weigand that subordinate officials of the Guardian's Office communicated to senior Church officials. (See, e.g., Stip. 195, 212-213, 231.)

As the person in California who had primary responsibility for handling Mr. Meisner's situation on a day-to-day basis (until defendant Heldt took over in March 1977), defendant Weigand was the official who laid out the plans and options

for his superiors (stip. 198 et. seq.; 203 et seq.; 223 et seq.); who instructed Mr. Meisner to sever all outward connections to the Guardian's Office when a warrant was issued for his arrest (stip. 200); and who generally saw to it that orders from senior officials were executed properly. (See, e.g., stip. 201-202.) When the crises arose over the San Diego policeman's NCIC inquiry, discussed above, it was to defendant Weigand that defendant Snider turned for efficient handling of the situation. (Stip. 205-207.) Finally, it was defendant Weigand who coordinated the efforts in April, 1977 to forcibly restrain Mr. Meisner when he indicated his intentions to return to the District of Columbia to handle his case on his own. (Stip. 238 et. seq.) Thus, on April 30, 1977, at approximately 2:15 a.m., defendant Weigand was the person who, along with defendant Willardson and unindicted co-conspirator Brian Andrus, visited Mr. Meisner to inform him that he would no longer be permitted to make "demands and threats on the Church," and "that he was to start becoming a decent, cooperative, contributing part of the venture [conspiracy] and nothing else was to be tolerated." (Stip. 242 et seq.)

It is interesting to note that neither defendants Weigand nor Willardson submitted a statement of their own to the Probation Office. Instead, their counsel submitted on their behalf a statement which amounts to no more than a restatement of the propaganda line of the defendants' organization. While indicating that his clients were "remorseful" and "contrite" for the consequences of their criminal acts, counsel puts in last place the harm caused to the "legitimate public institutions" of this country. One would have expected that attorneys who are officers of the Court and an

essential ingredient in the protection of the judicial system from any attempt to subvert it, would, at the very least, recognize that the greatest damage caused by the defendants Weigand's and Willardson's crimes was to the judicial institutions.

Moreover, counsel parrots the Church's assertion that the defendants acted "out of fear that the investigation [of the federal Grand Jury] was but one further step in the destruction of the Church," and contends that the defendants "believed their conduct to be a moral and principled response" to the investigation. Willardson and Weigand Probation Reports at 5. (Emphasis added.) We submit that these statements are absolutely outrageous and establish that the defendants have yet to recognize the severity or consequences of their criminal conspiracies. As in defendant Heldt's case, they seek to hide behind a religious cloak. Yet no criminal can be permitted to seek refuge behind the trappings of a religion. Certainly, the Watergate defendants attempted to hide behind the cloak of official secrecy and national interest, yet the Court recognized their actions to be nothing but a criminal subversion of the judicial system to save their own skin. The defendants in the instant case stand in no different a position. To suggest that the defendants' conduct was "the only principled response" to a federal judicial investigation into serious criminal activities is so outrageous as to offend fundamental decency.

Finally, the United States rejects the evaluation of the probation officer as totally unfounded and contradicted by the "uncontested" evidence in this case. Indeed the California probation officer's statement either suggests that he failed to read the "uncontested" stipulation of evidence or that

he did not understand the nature of the defendant Weigand's actions. Firstly, the probation officer questions whether in fact defendant Weigand held the "very responsible position" set out in the "uncontested" stipulation of evidence. Secondly, the officer astonishingly concludes that defendant Weigand acted "as a functionary and not as a determiner of policy." We submit that such a report is useless and not worthy of reliance by this Court. The facts outlined above and in the stipulation of evidence, as well as in section V infra, leave no doubt as to the role of the defendant Weigand as a "determiner of policy" and a major force in the conspiracies set out in the indictment.

It is clear that defendant Richard Weigand coordinated the Guardian's Office's initial burglary and theft conspiracy as well as the conspiratorial efforts to cover-up its prior illegal and unlawful activities from beginning to end. In light of this conduct, the United States submits that the only appropriate response is the imposition of a sentence calling for the maximum period of incarceration.

D. Gregory Willardson

Along with defendants Heldt, Snider and Weigand, defendant Willardson was one of the initial architects of the cover-up plan. (Stip. 178 et seq.) Indeed, defendant Willardson was one of the first two Guardian's Office officials to read Mr. Meisner's report concerning the encounter with the FBI (stip. 177) and participated, along with Mr. Meisner, in the first meetings which defendant Weigand held in his office on June 12 and June 13, 1976. (Stip. 180.) Moreover, defendant Willardson was one of the persons responsible for implementing defendant Heldt's order to evaluate the alternative cover-up plans and present one to him for his approval. (Stip. 182.)

On June 14, defendant Willardson met with defendants Weigand and Wolfe and Mr. Meisner to create the cover story which defendant Wolfe was to give to the FBI. (Stip. 184.) On that same day, defendant Willardson participated in the formulation of "mission orders" for defendant Hermann in the District of Columbia, which required that defendant Hermann find a lawyer for defendant Wolfe and supervise Wolfe pending his arrest. (Stip. 188.) Willardson then participated in drilling defendant Wolfe on the cover-up story. (Id.) That evening Mr. Meisner, having already been disguised pursuant to defendant Weigand's orders so as to facilitate concealment, stayed at the defendant Willardson's home. (Stip. 188.) On June 18, defendant Willardson received and read the report written by Mr. Meisner relating to the burglaries and thefts which had taken place in the District of Columbia.

On September 10, 1976, defendant Willardson, along with defendant Hermann, moved Mr. Meisner to a new location for the purpose of frustrating the FBI investigation, notwithstanding the Guardian's Office knowledge that a warrant had been issued for Mr. Meisner's arrest and that Mr. Meisner was, at the time, considered a fugitive from justice. (Stip. 198, 202.) Thus, he was clearly involved in that part of the conspiracy aimed at harboring and concealing a fugitive.

Similarly, defendant Willardson was involved in that aspect of the conspiracy concerned with the obstruction of the investigation taking place in the District of Columbia and the prompt disposition of defendant Wolfe's then-pending case. Thus, in early November 1976, defendant Willardson carried out an order of defendant Heldt requiring him (Willardson) to instruct defendant Wolfe to "push his lawyer to get the scene handled." (Stip. 218.) Of course, the purpose of

these efforts to have defendant Wolfe's case disposed of quickly was to thwart the FBI's attempts to find out the whole story about the burglaries of the United States Courthouse.

Defendant Willardson maintained this active role in furtherance of the conspiracy to the very end. In April 1977, when Michael Meisner was increasingly indicating his readiness to return to the District of Columbia, defendant Willardson accompanied the defendant Weigand to Mr. Meisner's apartment in the middle of the night to inform him that his lack of cooperation would no longer be tolerated. (Stip. 242.) It was defendant Willardson who searched Mr. Meisner's apartment to remove and destroy any evidence connecting Mr. Meisner to the Church of Scientology (Stip. 242-243.) ^{4/} And when Mr. Meisner eventually did escape, it was defendant Willardson who arranged to have all fingerprints removed from Mr. Meisner's apartment (stip. 272) and to take additional steps to hide Mr. Meisner's connection with the Church. Defendant Willardson explained this to defendant Heldt in a handwritten letter. (Government Exhibit No. 175.) Perhaps most significantly, defendant Willardson ordered the removal of all incriminating documents from the Guardian's Office and their placement in the "Red Box", the locale for any document containing "proof that a Scientologist is involved in criminal activities." (Government Exhibit No. 219 at Stip. 274-275.) The document containing the explanation of the "Red Box" and instructions for its use was seized from defendant Willardson's office. (Stip. 275 n.207.) Given this integral participation in the cover-up, it is not surprising that defendant Willardson was the person to whom

^{4/} A letter from the defendant Hubbard to Mr. Meisner acknowledging the use of guards was seized from defendant Willardson's office files. (Stip. 243 n.185.)

defendant Heldt turned, after Mr. Meisner's escape, to implement the directive to devise a plan to "defuse [Mr. Meisner] as a traitor." (Stip. 282.)

Moreover, defendant Willardson's participation in the conspiracy to burglarize Government offices, steal Government documents, "bug" Government meetings, and forge Government credentials is abundantly set out in the "uncontested" stipulation of evidence. Indeed, it was the defendant Willardson, who in a letter dated 20 May 1975 to the U.S. Directorate Secretary World-Wide set out the legal reasons why the crimes he and the other defendants were committing were felonies. (Stip. 63-65, Government Exhibit No. 32.) In that letter, a copy of which was sent to, among others, defendants Heldt and Weigand, Willardson stated that "a large portion, if not the majority, of our high priority successful Collections actions fall into the category of second degree burglary, which is a felony." (Stip. 63.) If anything, this letter indicated a clear recognition on defendant Willardson's part that he was committing serious criminal acts. It also establishes that this knowledge did not in anyway alter his actions or those of his co-defendants. Furthermore, it belies his counsel's statement to the Los Angeles probation officer that such actions were "moral and principled." Willardson Presentence Report at 5, see also supra.

Finally, it renders the probation officer's evaluation highly questionable and, indeed, useless. One is amazed, in view of the evidence, at the naivete of the probation officer and his incredible lack of understanding of the facts. How, in light of the facts, one can state that "Mr. Willardson . . . does not appear . . . to be a threat to property or to citizens in the community" is beyond

imagination. After all, it was in defendant Willardson's office that the bugging and lock-picking equipment was found by the FBI. It was also in that office that FBI Special Agent Benavitez told the Court he had found a leather black-jack. One wonders why a peaceful person would have such an item in his possession. Similarly, defendant Willardson was an active participant in the kidnapping of Mr. Meisner. We submit that that act is more consistent with a person who is a danger to the community.^{5/}

In light of the above, the United States is amazed by the probation officer's statement that defendant Willardson "appears . . . to be a man who can be trusted, and that evaluation probably was also made by the Church leaders who encouraged him to participate in this rather awkward tactic to defend the perquisites and personnel of the Church of Scientology." Presentence Report at 10. Such a statement is reminiscent of the White House's description of the Watergate burglary as a "third-rate burglary." Certainly, based on this probation officer's statement, Messrs. John Dean, Jeb Stuart Magruder, G. Gordon Liddy, et al., could have been said to be trustworthy and not a "threat to property or to citizens in the community." Yet eminent jurists of this very Court disagreed and imposed severe sentences of incarceration in those cases.

E. Cindy Raymond

The defendant Cindy Raymond similarly had an active role in both the burglary and theft conspiracy as well as the cover-up conspiracy. She both initiated programs and projects as well as carried out the strategic plans formulated by

^{5/} The Court may also recall the testimony adduced by the defense at the motion to suppress hearings about the seizure of guns.

her superiors. Indeed, subsequent to mid-March 1977, she fulfilled the role of "cover-up" coordinator, replacing defendant Hermann. (Stip. 230-231 et seq.) However, her active role in furthering this conspiracy began long before that promotion.

The evidence demonstrates that much of the Guardian's Office correspondence dealing with the cover-up was kept in or near defendant Raymond's office. (See, e.g., nn. 136, 138, 139, 141, 142, 146, 147, 150, 151, 152, 153 and documents referred to therein which related the earliest formulations of the cover-up plans and significant events, including the arrest of defendant Wolfe on June 30, 1976.) This evidence demonstrates that defendant Raymond was fully aware of and assisted in every aspect of the cover-up and the earlier conspiracy.

The evidence also establishes that it was defendant Raymond who informed Mr. Meisner that false handwriting exemplars were being given to the FBI, demonstrating her complicity in the obstruction of the FBI's investigation. (Stip. 209.) Furthermore, it was defendant Raymond who, at this same time, compiled the list of the District of Columbia burglaries and the details of those crimes. (Stip. 210.) Throughout the fall and winter of 1976, defendant Raymond met with Mr. Meisner approximately once or twice a week to discuss the ongoing cover-up. (Stip. 215.) When Mr. Meisner expressed his concern over the course of events, it was defendant Raymond who arranged a meeting between Mr. Meisner and his long-time friend, defendant Duke Snider. By virtue of her position as National Secretary and because of her active involvement, defendant Raymond was one of the persons who received defendant Hermann's November 30, 1976 briefing

summary (Government Exhibit No. 139) outlining the history of and plans for the cover-up. (Stip. 221-222.) On December 10, 1976, defendant Raymond outlined the refined cover-up plan for defendant Weigand. (Stip. 222-223.) This included the plan for containing the FBI investigation. (Stip. 223.) Defendant Raymond's handwriting appears on some of the most incriminating documents generated during this period. (See, e.g., Government Exhibit No. 168.)

Defendant Raymond's appointment to the position of cover-up coordinator in March 1977 reflected the confidence that her superiors had in her ability to push the cover-up plan to a successful conclusion. (Stip. 229-231.) That the conspiracy was ultimately unsuccessful in achieving the desired results was not due to any lack of effort or initiative on Raymond's part. Included, among these efforts, was a "friends request" for the guards who had forcibly restrained Mr. Meisner when the latter contemplated escape from the Guardian's Office. (Stip. 244.) Indeed, as of May 13, 1977, defendant Raymond was in complete charge of those guards (Stip. 247 n.190.) When Mr. Meisner eventually escaped from those guards the first time on May 29, 1977, it was defendant Raymond who notified her Guardian's Office superiors and instructed the briefing of all persons who knew that Mr. Meisner had been harbored by Scientology. (Stip. 249 n.191.) Upon Mr. Meisner's return to Los Angeles, it was defendant Raymond who was ordered to locate a new, more secure, place to forcefully hide Mr. Meisner. (Stip. 251-252.) Finally, defendant Raymond was one of the persons assigned to continue the elaboration of the cover-up story subsequent to Mr. Meisner's second and final escape. (Stip. 272.)

Regarding the first conspiracy, the "uncontested" evidence shows that the defendant Raymond recruited the defendant Wolfe as a covert operative to be placed at the IRS. She was also immediate supervisor of Mr. Meisner and as such in constant contact with him regarding the almost daily burglaries being committed. [See also her role in criminal activities against private organizations and citizens in section V infra.]

In view of the above, it is hard to understand how defendant Raymond could state that she "became aware" in 1974 "of the infiltration of certain government agencies," and that she did not believe that the activities were "illegal." Presentence Report at 7. She had to have been aware of the infiltration of Government agencies since she initiated many of them, including that of the IRS. That a person of her age and intelligence did not know that burglaries, thefts, buggings, forgeries, destruction of evidence, perjury to a Grand Jury, harboring a fugitive, and other serious crimes were illegal is so mind-boggling as to be absolutely incredible and unworthy of belief. Indeed, it indicates that Ms. Raymond still fails to understand the serious nature of her crimes. Her insistence in hiding behind the religious tenets of her organization to explain her criminal activities not only casts grave doubts upon her own remorse, but also upon the representations of her co-defendants that their religious tenets prohibited the commission of illegal acts. In this instance as well, the Los Angeles probation officer appears to have been clearly in the dark as to the evidence when he wrote his "evaluation" of the defendant Raymond, although even he had to recognize that "she actively participated" in her criminal activities. Presentence Report at 10.

In sum, defendant Raymond was aware of and actively participated in both conspiracies from start to finish. Such activities necessitate forceful treatment from this Court, in the form of a maximum period of incarceration.

Gerald Bennett Wolfe

While Gerald Bennett Wolfe did not have the strategy-planning role of the defendants already discussed, he nonetheless played a pivotal role in the defendants' concerted endeavors to cover-up the burglaries, thefts, and buggings they had perpetrated. Thus, it was Wolfe who willingly and willfully lied to the federal Grand Jury during its investigation into the burglaries and thefts which he had committed on behalf of the Church of Scientology. However, Wolfe's involvement in the cover-up did not begin with those perjurious statements, and his false declarations do not encompass the entirety of his criminal acts in this regard.

On June 14, 1976, only three days after his encounter with the FBI in the United States Courthouse, defendant Wolfe met with defendants Willardson and Weigand and Mr. Meisner to prepare the cover story which defendant Wolfe was to give to the FBI. (Stip. 184.) During that meeting, the details of the cover-up story previously outlined by defendants Heldt, Snider, Weigand and Willardson were created. (Stip. 185-187.) On the following day, subsequent to his return to the District of Columbia, defendant Wolfe discussed the plan with defendant Hermann, and then met with the Scientology-selected lawyer to give him the agreed-upon story. (Stip. 188.) Thus, it is clear that, from the outset, defendant Wolfe was critically involved in the conspiracy of which he was found guilty by this Court.

Following his arrest by the FBI on June 30, 1976, defendant Wolfe began to actively execute the cover-up story. He told the United States Attorney's Office that the false credentials he had forged with Mr. Meisner were part of "[a] lark gone sour." (Stip. 193.) Far from being an unwilling participant in the cover-up, defendant Wolfe expressed concern that the Government might attempt to strike a deal with him to become a Government witness, a possibility which he found highly distasteful. (Stip. 229.) Later on, defendant Wolfe gave his probation officer and District Judge Thomas A. Flannery the same false story which he had earlier given the prosecutors and which he eventually told the federal Grand Jury. Certainly, this was not the expression of a person coerced into "going along."

Of course, defendant Wolfe declined the invitation to cooperate with the government in return for a guilty plea to an unlawful entry charge carrying a maximum of six months incarceration. Thus, on May 18, 1977 he entered a guilty plea to a felony charge of wrongful use of a Government seal, which plea was a crucial stage in the cover-up plan. (Stip. 246-247.) Then, on June 10, 1977, defendant Wolfe was sentenced on the charge, following which he was subpoenaed to appear before the federal Grand Jury. (Stip. 252.) During his testimony under oath, defendant Wolfe lied on no fewer than four occasions, giving the precise story that the defendants had previously constructed with his assistance. (Stip. 255-265.) Indeed, that testimony conformed in every detail to the prepared story. Again, we suggest that this was not a half-hearted endeavor on his part.

As further indication of defendant Wolfe's willingness to participate in the cover-up, it must be noted that defendant

Wolfe immediately went to the Church of Scientology office in the District of Columbia so that he could be debriefed. (Stip. 265.) The purpose was, of course, to enable the Guardian's Office to conform other testimony to Wolfe's. (Id.) Copies of the debrief were circulated throughout the Guardian's Office and indeed given to Mr. Meisner himself. (Id.) Thus, all defendants except for defendant Thomas were aware of defendant Wolfe's false declarations.

Had defendant Wolfe agreed to help the investigation, his knowledge of the details of the burglaries and thefts would have been invaluable. However, defendant Wolfe did not choose the honest path. Consequently, his sentence must reflect this conscious choice to subvert the lawful processes of this Court.

As this Court is aware, defendant Wolfe, at his counsel's direction, declined to give his version of the events in question to the Probation Office of this Court. This together with the defendant Wolfe's behavior and demeanor throughout these proceedings reflect his totally amoral reaction to the charges to which he pled guilty on June 10, 1977 and of which he was found guilty by this Court on October 26, 1979. Of course, defendant Wolfe stands before this Court as twice convicted felon. To suggest, as does the Los Angeles probation officer, that defendant Wolfe has been "manipulated by the upper echelon of the Church of Scientology" is similar to suggesting that James McCord in the Watergate burglary had been manipulated by the White House and, therefore, should escape the severe punishment which District Judge John J. Sirica imposed on him. That argument is as absurd in the instant case as it was in the Watergate case. Indeed, the probation officer, must have recognized that fact when he

concluded his evaluation by stating that "considering the nature of the offense and the defendant's willing involvement, a sanction in the form of a suitable punishment is warranted." Presentence Report at 11. We submit that the only suitable punishment here is a maximum sentence of incarceration.

Mitchell Hermann

Notwithstanding his substantial role in the formulation and execution of the cover-up scheme,^{6/} the Government agreed to allow the guilty finding in regard to defendant Hermann to be entered on Count One of the indictment. The evidence demonstrates that defendant Hermann was equally important to the consummation of the conspiracy charged in that count as he was in the cover-up conspiracy.

In July, 1974, when defendant Snider approved a project to implement Jane Kember's order of November 21, 1973, requiring the covert obtaining of documents in Washington, D.C., regarding Interpol, defendant Hermann was the director of the branch within the District of Columbia Information Bureau assigned to acquire those documents. Thus, that project was assigned to him. (Stip. 16.)

Also in the summer of 1974, defendant Hermann, along with Mr. Meisner, interviewed Scientologists for the purpose of choosing a person to be placed as a covert operative at IRS headquarters. That covert operative was to obtain all documents in the IRS concerning Scientology. (Stip. 17-18.) Subsequent to October, 1974, when Guardian Order (GO) 1361 was issued, calling for the infiltration of numerous Government

^{6/} The evidence establishes that defendant Hermann was involved in the cover-up scheme from its very inception. Thus, defendant Hermann received the call from Mr. Meisner on June 11, 1976 relating the encounter with the FBI in the United States Courthouse, and relayed to Mr. Meisner the (Footnote continued on next page.)

offices, defendant Hermann exercised substantial authority over the District of Columbia Guardian's Office's day-to-day operations to enforce that Order. (Stip. 21-22.)

As part of his duties in this regard, defendant Hermann participated in the bugging of the IRS conference concerning Scientology on November 1, 1974. (Stip. 22-32.) He was one of the persons who first entered the IRS building to locate the conference room (stip. 23) and then accompanied unindicted co-conspirator Don Alverzo to place the "bug" in that room. (Stip. 24.) He also re-entered the conference room subsequent to the meeting to remove the "bug" and, in the process stolen, various papers which those in attendance had left behind. (Stip. 25.) The criminal implications of this act were well-recognized by those defendants who were aware of this activity, as reflected in a letter from defendant Snider to Morris Budlong urging great caution in the handling of the bugging transcript. (Stip. 30.)

6/ (Footnote continued from previous page.) instructions of defendant Weigand in order to avoid detection by the FBI. (Stip. 174 et seq.) Following his participation in the formulation of the cover-up (stip. 182-183), defendant Hermann undertook the supervision of defendant Wolfe upon the latter's return to the District of Columbia. (Stip. 188.) Subsequently, defendant Hermann was the person primarily responsible for coordinating activities in the District of Columbia, and for keeping his superiors in Los Angeles informed of District of Columbia events. (See, e.g. Stip. 191 et seq., 212, 227.) The extent of his involvement in, and knowledge of, the defendants' wilfull attempts to subvert the Grand Jury's investigation of the burglaries and thefts, is reflected in Government Exhibits Nos. 139, 143, and 144. (Stip. 220-229.) Those three documents are briefing memoranda; the first outlines burglaries and thefts in the District of Columbia and the cover-up story which had been prepared; the second briefs the Guardian's Office on the course of the FBI investigation and defendant Wolfe's case; and the third further amplifies the cover-up story.

While these activities do not indicate the totality of defendant Hermann's involvement, they are representative of that involvement and reflect the willingness and wilfulness with which he engaged in the criminal activities that marked the cover-up.

It was defendant Hermann, who initially supervised defendant Wolfe during the early days of his employment at the IRS. (Stip. 40.) In this capacity he became intimately aware of defendant Wolfe's data-gathering activities, reporting on those activities to Mr. Meisner, among others. (Stip. 40.) Indeed, defendant Hermann participated in a "trial run" at the IRS in December 1974 to demonstrate to defendant Wolfe the ease with which offices could be entered and documents stolen. (Stip. 37-38.) Along these same lines, it was at defendant Hermann's home that defendant Wolfe was first introduced to Mr. Meisner in December 1974. (Stip. 40-41.) At that meeting, defendant Hermann instructed defendant Wolfe to continue obtaining IRS documents from the office of IRS attorney Barbara Bird. (Stip. 41.) As the evidence establishes, all documents obtained in the District of Columbia were forwarded to the Guardian's Office headquarters in Los Angeles. Subsequent to January, 1976, almost all such documents, and the memoranda describing them, were sent directly to defendant Hermann, who held the position of Southeast US Secretary within the Information Bureau, and as such exercised immediate supervision over the Information Bureau in the District of Columbia. (Stip. 44.) However, from January through March 1975, when he was transferred to Chicago, the defendant Hermann exercised immediate supervision over defendants Wolfe and Thomas as well as other covert operatives including one at the Drug Enforcement Administration and three others in private industry. (Stip. 46-47.) In this capacity he wrote Government Exhibit No. 13, a memorandum to defendant Raymond summarizing documents stolen from the IRS Chief Counsel's file room pursuant to GO 1361, Target 10. (Stip. 47.)

During his tenure in 1976 as Southeast US Secretary, defendant Hermann received and forwarded numerous stolen documents and memoranda regarding those documents. (See, e.g., Government Exhibits Nos. 46, 59, 60, 64.) He was also the person who notified Mr. Meisner that Don Alverzo would be returning to the District of Columbia to assist in gaining entry to IRS offices which had been placed in a special high security area. (Stip. 101.) Defendant Hermann reported on Alverzo's "mission" in Government Exhibit 56D. (Stip. 104.) It was defendant Hermann who recommended that Mr. Meisner be given an award for his achievements in the burglaries of IRS offices noting that "10-12 feet of material" had been obtained from the IRS. (Stip. 118-119.) It was also defendant Hermann who directed Mr. Meisner to obtain a false IRS identification card (stip. 119-120), and it was defendant Hermann who monitored the illegal activities through June 11, 1976, including the burglaries into, and theft of documents from, the various offices within the Department of Justice (see, e.g., Government Exhibits Nos. 93 and 95) and the office of Assistant United States Attorney Nathan Dodell. (Stip. 157-159 and Government Exhibits Nos. 98-100, 103 and 104.)

The telephone call placed by Mr. Meisner to defendant Hermann after the June 11, 1976 encounter with the FBI agents reflects the defendant Hermann's critical position in both conspiracies. Subsequent to that phone call, defendant Hermann initiated the Guardian's Office response to this crisis situation, which, of course, led to the cover-up conspiracy. (Stip. 174 et seq.)

In his statement to the Los Angeles probation officer defendant Hermann also attempted to justify his criminal

behavior by suggesting that he acted in response to his "perceived persecution" of his Church. Presentence Report at 5-6. In light of his criminal activities against the American Medical Association, Clearwater Mayor Gabriel Cazares, and others as outlined in section V infra, his explanation must be rejected. If the defendants and their organization perceived that they were being persecuted they should have resorted to the lawful means available to all citizens for the redress of grievances. Violations of the law and the subversion of the judicial system can never be justified.

As the above recitation clearly demonstrates, defendant Hermann was involved in and was aware of, virtually every aspect of the numerous burglaries and thefts, the IRS bugging, and the forgeries of Government credentials charged in that conspiracy. Indeed, he acted as a conduit for the flow of information through the various branches of the Guardian's Office. As the probation officer concluded: "Covert activities such as the ones the defendant participated in, cannot be condoned. The Court should impose a punishment sufficient to impress this defendant of the fact that his offense behavior will not be condoned." We submit that both to impress this defendant and others a maximum term of incarceration is mandated here.

Sharon Thomas

Defendant Sharon Thomas was found guilty of Count 17 of the indictment, charging the theft of documents and photocopies thereof from the office of John F. Shaw, Special Assistant to the Assistant Attorney General for Administration on April 20 1976. At the time, Ms. Thomas was employed as a secretary to two attorneys within the Information and Privacy Unit of the Department of Justice's Civil Division. The evidence

establishes that Ms. Thomas was actively involved in the conspiracy to burglarize Government offices and steal Government documents, and to that end had secured her position at the behest of the Guardian's Office. Her duties included the monitoring of Justice Department offices to give the Church an early warning system to any potential subpoena, civil suit, or arrest warrant against L. Ron Hubbard or Mary Sue Hubbard, to steal documents legitimately withheld from the Church under the FOIA, and to obtain all documents relating to Interpol.

The documents which Ms. Thomas stole from Mr. Shaw's office, with the assistance of Mr. Meisner, concerned Interpol and the United States' continued participation in that organization. At the time of the theft, Mr. Shaw was the person coordinating the transfer of Interpol from the Department of the Treasury to the Department of Justice.(Stip. 150.) The uncontested evidence establishes that Ms. Thomas and Mr. Meisner carried out the theft by entering the Department of Justice building in the District of Columbia after 5:30 p.m. using defendant Thomas' identification card. (Stip. 151.) They proceeded to Mr. Shaw's office on the first floor of that building and entered it forcibly, by slipping the latch through the use of a piece of plastic. (Id.) Once inside, they discovered a five to six inch high stack of documents, all related to Interpol. Mr. Meisner and Ms. Thomas then removed these documents, and proceeded to the fourth floor of the building where they made copies. The documents were then returned to Mr. Shaw's desk (Id.), and the copies were taken from the building.

In perpetrating this theft and others discussed at length in the "uncontested" stipulation of evidence, Ms. Thomas not

only forcibly entered offices which she had no right to be in, and took property which was not hers, but also breached the position of trust which she had been afforded by virtue of her position as a Department of Justice employee. Simply put, she was a covert operative, engaged in acts of deception for the Church of Scientology.

Defendant Thomas had been a dedicated operative for the Church of Scientology since the early 1970's when she was recruited by the defendant Snider (who was then Assistant Guardian for the District of Columbia) to be a covert operative within a dissident Scientology group. From November 1973 to July 1974, defendant Thomas was a Scientology agent at the American Psychiatric Association. She was then placed as a covert agent at the United States Coast Guard Intelligence. In 1976, she was to be transferred by the Guardian's Office to the Immigration and Naturalization Service when the issuance of Guardian Program Order 158 made her need at the Department of Justice more imperative. Thus, the defendants determined to have her infiltrate the Department of Justice. At all times, Ms. Thomas was a willing and dedicated spy who worked long and arduous hours plying her surreptitious vocation. No one held a gun to her head as is suggested by her counsel in his letter to the California probation officer. Indeed, she even sought to solicit and recruit relatives to become covert agents for her organizations. Counsel asserts that:

Ms. Thomas could have introduced substantial testimony through herself and others, which would have shown threats and coercion by Mr. Meisner, who held a position of religious power over her. I do not mean this in any mystical sense, but in a political sense.

Presentence Report at 6. That statement can only be described as bizarre and so absurd as to be dismissed out of hand. No one forced Ms. Thomas to beg this Court to find her

guilty of her crimes. She did so voluntarily and so stated to this Court under oath. She willingly, in open court and in front of a packed courtroom of spectators and television and newspaper reporters, signed the "uncontested stipulation of evidence." We certainly hope that her counsel is not now suggesting to this Court that defendant Thomas committed perjury before this Court on October 26, 1979. We, therefore, will ignore counsel's absurd remarks to the probation officer. Of course, Ms. Thomas not only chose not to give her version of the events but instead of indicating any contrition or remorse for her criminal behavior, attempts, through her counsel, to minimize her acts. She contends that "there is no evidence alleged by the Government that she ever knew of any of the activities other than those she directly participated in." While, we submit the evidence clearly shows a knowledge on her part of all Guardian Orders, certainly, the acts she participated in evidence sufficiently serious criminal acts. That she and her counsel fail to recognize that is indeed sad and indicates the fact that she has yet to understand or take seriously this Court's guilty finding of October 26. One can only hope that a maximum period of incarceration, and the period for innerreflection which that would provide, might assist Ms. Thomas in comprehending the gravity of her actions.

Ms. Thomas' pattern of spying against private organizations and thefts from Government agencies does not represent the whole scope of her criminal activities. Her attempts to recruit others as spies indicates the wilfulness of her conduct. However, much more than any of the above, her conduct against Clearwater Mayor Gabriel Cazares, discussed at length in section V infra, establishes the breadth of her

criminal mind. Involvement in setting up a fake hit-and-run accident to in-effect blackmail a person (see section V infra) is indeed a very serious offense.

Thus, the United States fails to understand the California probation officer's suggestion that she "does not appear to be a criminal type in any classic sense." Presentence Report at 10. Nowhere does the probation officer mention defendant Thomas' covert operations against the Coast Guard or the Immigration and Naturalization Service -- offenses detailed in the "uncontested" stipulation of evidence. We submit that the evidence set out in that stipulation and the facts set out herein establish beyond question that defendant Thomas is indeed "a criminal type" in the "classic sense." How she differs from a person from the ghetto who wilfully commits a crime is difficult to grasp. In fact, the only difference is that she has presumably had the benefits of an education and has led a life devoid of any financial deprivation. Thus, to that extent her wilfull criminal acts are more blatant and premeditated.

In view of these facts, we submit that defendant Thomas must be subjected to the severest punishment provided by law and sentenced to a maximum term of incarceration.

IV.

Evidence As To The Conspiracy to Burglarize
Government Offices, Steal Government Documents,
Intercept Private Governmental Communications,
and Forge Government Credentials.

As the "uncontested" stipulation of evidence demonstrates beyond question, each defendant was guilty of many more crimes than the single count of which each was found guilty. Indeed, the evidence establishes that each defendant was guilty of each offense with which he or she was charged.

Throughout the first conspiracy charged in count one and the substantive crimes charged in counts two to twenty-two and twenty-four to twenty-eight, each of the defendants performed his or her duties zealously and to the full extent expected of them by the Guardian's Office and the Church of Scientology.

The uncontested evidence establishes that the conspiracy charged in count one of the indictment actually began on November 21, 1973, when Jane Kember wrote to defendant Heldt to obtain documents in the files of the National Central Bureau of Interpol and the District of Columbia Police Department regarding L. Ron Hubbard. (Stip. 13.) The guidelines for most, if not all, of the burglaries, and thefts in which defendants engaged were set out in Guardian Order (GO) 1361 and Guardian Program Orders 9, 158 and 302. Each of the defendants played a critical role in effecting the directives contained in these Orders. While defendant Heldt, as the leader of the United States Guardian's Office had primary authority, other defendants made vital contributions to the supervision of the conspiracy. For example, defendant Snider participated in the management of the "bugging" of the IRS conference concerning the Church of Scientology on November 1, 1974, receiving the transcript of that meeting from defendant Hermann and unindicted co-conspirator Don Alverzo and informing the Guardian's Office World-Wide of this covert action. (Stip. 26 et seq.) Significantly, in his correspondence with his superiors, defendant Snider noted the criminal implications of the "bugging" and the need for care in handling the transcript so as to avoid the severe repercussions arising from the "new laws on this federally and a strong post-Watergate judicial climate." (Stip. 30.) Similarly, defendant Snider monitored the process by which

Scientology infiltrated the IRS through the placement of defendant Wolfe (stip. 32 et seq.), and the initial thefts of documents from the IRS. (Stip. 38.)

Concerning defendant Weigand it must be noted that from December 1974 until mid-May 1977 he was the United States Deputy Guardian for Information, and therefore, the leader of the bureau within the Guardian's Office charged with carrying out the vast majority of targets contained in GO 1361. Thus, plans such as "Project Horn" (see Government Exhibit No. 14 at Stip. 49 et seq.), designed to provide a cover for the public dissemination of stolen IRS documents, had to initially be approved by him. He and defendants Heldt, Snider, Willardson, Raymond and Hermann also received all Meisner memoranda with appended stolen documents. (see, inter alia, n. 36 at Stip. 60.) Finally, the degree of defendant Weigand's awareness of and involvement in the count one conspiracy is reflected in his letter of July 2, 1975 to defendant Snider, wherein he reviewed Guardian's Offices accomplishments under GO 1361. (Government Exhibit No. 39 at Stip. 75.)

Working along with defendant Weigand and other defendants, defendant Willardson was a major determiner of the conspiratorial strategy. Among his contributions to this conspiracy, which are set out in great detail in the "uncontested" stipulation of evidence, were the formulation of "Project Horn"^{7/} and his "legal" analysis regarding the

^{7/} Project Horn was the highly sophisticated plan to steal IRS stationery and IRS documents regarding organizations other than Scientology. (Stip. 48 et seq.) The purpose of this plan was to disguise the theft of these IRS documents by making it appear that a disgruntled IRS employee had leaked documents to numerous organizations, including Scientology. This would enable the Public Relations Bureau of the Guardian's Office to utilize the stolen documents without fear of being connected to the thefts. Each of defendant Willardson's superiors initialed the document containing the plan (Government Exhibit No. 14), thereby indicating their approval. (n.29 at Stip. 49-50.)

consequences of the defendants' extensive "data-gathering" activities:

During the course of all these activities, defendant Raymond, in her capacity as Collections Officer, received copies of all stolen documents and was in constant contact with the District of Columbia Guardian's Office. Her repeated directives to burglarize offices and steal documents are outlined ad nauseam in her letters, memoranda and orders. It was defendant Raymond who recruited defendant Wolfe and approved the placing of defendant Thomas at the Department of Justice. She directed the theft of IRS documents relating to the on-going litigation between the Church of Scientology and the United States Government over the tax-exemption of the Hawaii branch of the Church of Scientology. (Stip. 55-56.) She was also in charge of the project "Beetle Cleanup" calling for the covert collection of all District of Columbia IRS files "on LRH, Scientology, etc." (Stip. 70 et seq.)

No one can minimize the roles played by defendants Wolfe and Thomas. The conspiracies set out in the "uncontested" stipulation of evidence could not have succeeded without the active and selfless participation of these two defendants. Thus, the first one hundred and seventy-six pages of the "uncontested" evidence describe the numerous burglaries and thefts which each of these defendants committed. Over and over again, they burglarized Government offices, searching for those documents sought by their superiors. At no time, did either defendant object or seek to withdraw from either conspiracy.

In sum, each of the defendants fulfilled a key role in the conduct of the conspiracy to burglarize, steal, and bug. Each must therefore bear the entire weight of that participation.

V.

Other Crimes Committed
By These Defendants

The defendants' contention that they committed the crimes set out in the "uncontested" stipulation of evidence in order to protect their Church from Government harassment collapses when one reviews the remaining documents seized by the FBI during the execution of the two Los Angeles search warrants -- documents which this Court has since unsealed and which are now in the public domain. These documents are corroborated by the testimony of some of the participants in the crimes catalogued therein. If anything these documents and the witnesses' testimony establishes beyond question that the defendants and their unindicted co-conspirators, as well as their organizations, considered themselves above the law. They believed that they had carte blanche to violate the rights of others, frame critics in order to destroy them, burglarize private and public offices and steal documents outlining the strategy of individuals and organizations that the Church had sued. These suits were filed by the Church for the sole purpose of financially bankrupting its critics and in order to create an atmosphere of fear so that critics would shy away from exercising the First Amendment rights secured them by the Constitution.^{8/} The defendants and their cohorts launched vicious smear campaigns, spreading falsehoods against those they perceived to be

^{8/} This is precisely how Scientology's critics viewed Scientology's activities. Newsweek, November 20, 1978 at 133: "The Church of Scientology relies on suits and petty harassment to register its complaints. In August, the Scientologists slapped a \$1 million suit on the Los Angeles Times after it ran a series about the Church. The Times wasn't accused of libel; rather, the Scientologists claimed that the paper conspired with the FBI and Justice Department to violate the church's civil rights by poisoning the atmosphere before a trial" in the instant case.

enemies of Scientology in order to discredit them and, in some instances, cause them to lose their employment. Their targets included, among others, the American Medical Association (AMA) which had branded the practice of "dianetics" as "quackery," the Better Business Bureau (BBB) which sought to respond to private citizens' inquiries about the courses offered by Scientology, newspapers which merely sought to report the news and inform the public, law firms which represented individuals and organizations against whom Scientology initiated law suits often for the sole purpose of harassment, private citizens who attempted to exercise their First Amendment right to criticize an organization which they considered suspect, and public officials who sought to carry out the duties for which they were elected or appointed in a fair and even-handed manner. To these defendants and their associates, however, anyone who did not agree with them was considered to be an enemy against whom the so-called "fair game doctrine" could be invoked. Allard v. Church of Scientology of California, 58 Cal.App.3d 439, 129 Cal.Rptr. 797 (Ct.App. 1976), cert. denied, 97 S.Ct. 1101 (1977). That doctrine provided that anyone perceived to be an enemy of Scientology "[m]ay be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologist. [He m]ay be tricked, sued or lied to or destroyed." 58 Cal.App.3d at 443 n.1, 129 Cal.Rptr. at 800 n.1.^{9/} This policy, together with the actions of the defendants who represented the very top leadership of the Church of Scientology, bring into question

^{9/} This led the California Court of Appeals to state that "Any party whose tenets include lying and cheating in order to attack its 'enemies' deserves the results of the risk which such conduct entails." 58 Cal.App.3d at 452, 129 Cal.Rptr. at 805.

their claim that their Church prohibited the commission of illegal acts.

The United States submits that the activities outlined in this section show the scope, breadth and severity of the crimes committed by the defendants in this case. It is for these very reasons that the United States believes that the defendants must be sentenced to the maximum terms of incarceration provided by law.

A. Private Organizations

American Medical Association

In the early 1970's, unindicted co-conspirator L. Ron Hubbard, founder of Scientology, issued an order concerning the "Great Health Monopoly", which accused the AMA of monopolizing health care to the exclusion of groups such as Scientology. In this order, Hubbard called for the break-up of the AMA.

In accordance with the founder's policy, the AMA's Chicago headquarters were first infiltrated in 1972 by Kathy Gregg under the supervision of defendant Gregory Willardson. Documents stolen during this period were utilized in the publication of a book written by unindicted co-conspirator Joe Lisa using a pseudonym. The book, entitled "In the Public Interest," was covertly published and distributed by the Information Bureau of the Guardian's Office in order to discredit the AMA.

In early 1974, unindicted co-conspirator Bruce Raymond, then the Information Bureau's Operations Officer, came to the District of Columbia to order Michael Meisner, then the Assistant Guardian for Information in the District of Columbia, to recruit and place an agent in the AMA's District of Columbia office. Defendant Hermann, who was in charge of covert

operations in the District of Columbia, recruited June Byrne and assisted her in infiltrating the local AMA office under the false name of Lisa Giannotti. (See document no. 12687 which was addressed to defendant Snider and initialed by defendants Heldt, Willardson and Snider.)^{10/}

Byrne photocopied numerous internal AMA documents, and relayed them to defendant Hermann until March 1975, and subsequent to that date to Mr. Meisner. These documents were summarized in memoranda addressed to defendant Raymond and routed through, among others, defendants Heldt, Snider, Weigand and Willardson. (See documents nos. 12902 (13 August 1974); 5774 (17 December 1974); 16818 (18 December 1974); 5772 (26 February 1975).) Among the documents stolen were minutes of meetings between the AMA and the National Medical Association; memoranda of discussions with the federal Department of Health, Education and Welfare; and memoranda regarding the Joint Commission on the Accreditation of Hospitals (JCAH) and the Coordinating Committee on Health Information (CCHI).

Another covert operative was placed in the Chicago headquarters of the AMA in order to obtain all documents on the CCHI. That agent, Sherry Hermann, a/k/a Sherry

^{10/} See document no. 10081, Exhibit No. 2, which contains much correspondence among defendants Heldt, Weigand and Raymond concerning the use of Ms. Byrne as a covert operative at the Clearwater Sun newspaper, following her detection by AMA investigators in 1975. At page nineteen, defendant Raymond stated that June Byrne had been blown as a Scientology agent at the Clearwater Sun. She added "that there is a chain of events leading up to the base blown agents which starts in late 1974 when June (The CWSUN FSM) was placed in the AMA D.C." Defendant Raymond discussed the placement of Jodie Gumpert as a second covert agent at the AMA in the District of Columbia, her detection by the AMA, and her subsequent infiltration of the Clearwater Chamber of Commerce. The entire report is written by defendant Raymond and addressed to defendant Weigand and was prepared at the request of defendant Heldt and his superiors.

Canavaro and Sandy Cooper, obtained all these documents and relayed them to her husband, the defendant Mitchell Hermann who was her case agent. (See document no. 13078 entitled "Raw Data Report" dated June 16, 1975.) That document was addressed to defendant Raymond. It is also reflected in defendant Weigand's compliance report of October 3, 1975 to defendant Heldt. (Exhibit No. 3, document no. 16712.)

In the Spring of 1975, Mr. Meisner received an order approved by defendant Weigand to covertly leak to the press the numerous AMA documents which had been obtained in the District of Columbia and Chicago. That action was intended to provoke investigations of the AMA's tax exempt status by Congressional Committees, the IRS, and the Federal Trade Commission. (Document no. 2373, a compliance report from defendant Weigand to defendant Heldt, and document no. 15526, a letter from defendant Willardson.) Pursuant to these directives, Mr. Meisner was to anonymously contact reporters and send them copies of these stolen documents. Newspapers subsequently referred to that anonymous source as "Sore Throat." The reference to "ST" by defendant Willardson on document no. 15526 (at pages 2, 17 and 18) establishes that "Sore Throat" was indeed a member of the Guardian's Office. 11/

Better Business Bureau

The infiltration of the Council of Better Business Bureaus (CBBB) began on December 4, 1972, with the placement of Sherry Canavaro (later Sherry Hermann, a/k/a Sandy Cooper) as a covert agent within that organization. (Document no. 16727.) She was

11/ In document no. 15526 defendant Willardson also set out additional targets including having "ST" (Sore Throat) write a letter to AMA members for the purpose of fomenting dissension within that organization.

supervised from January 1974 to March 1975 by defendant Mitchell Hermann. On February 14, 1975, defendant Heldt transmitted stolen CBBB documents to Deputy Guardian for Legal Bureau US Joel Kreiner. Included in those stolen documents was a confidential letter from the CBBB's law firm of Caplin and Drysdale to the CBBB. (Document no. 12675.)

On March 28, 1974, defendant Heldt approved "mission orders" calling for the infiltration of the Buffalo BBB. (Document no. 13334 at 2.) In another document, Heldt informed a superior of Scientology's covert operations within the CBBB and prospects that the covert agent might become the CBBB's representative to the CCHI (Coordinating Conference on Health Information).^{12/} (Document no. 16723, Exhibit No. 4.)

Following Ms. Canavaro's reassignment from the CBBB to the AMA in Chicago, a second covert operative (Aileen Cronin) was placed within the CBBB and remained there until the end of 1975.

Mental Health Organizations

Guardian Order 121569 MSH (1) issued on December 15, 1969, directed the infiltration of all mental health organizations both nationally and world-wide. (Document no. 8664, Exhibit No. 6.) The purpose of such infiltration was "[t]o obtain advance information with regard to any actions or intentions directed against us" and "[t]o do everything possible to inhibit or stop any actions directed against us." Furthermore, all operatives were directed "[t]o do everything possible in the collection of such data."

^{12/} One of the functions of the CCHI was to coordinate efforts against groups believed to promote quackery. The defendants were successful in having their covert operative become the CBBB's representative to two CCHI meetings, one of which she was able to tape.

This Guardian Order was carried out on a number of fronts. Thus local mental health organizations were infiltrated by covert operatives in Las Vegas (document no. 13336) and St. Louis (document no. 1596 at 12). Indeed, the Assistant Guardian for Information in Las Vegas reported to some of the defendants that "everything possible was done to collect this data, everything from infiltration to stealing to eavesdropping, etc. ..." (Document no. 13336.)

Defendant Sharon Thomas was recruited as a covert operative in 1973 in the District of Columbia by defendant Snider, the Assistant Guardian. She was later assigned to infiltrate the American Psychiatric Association (APA). Beginning in January 1974, defendant Hermann supervised defendant Thomas' APA thefts. While in the APA, defendant Thomas stole documents regarding Scientology as well as confidential files of the APA's Ethics Committee concerning complaints against psychiatrists. (Documents nos. 8804 and 8805.) These stolen documents were sent to defendants Heldt, Willardson and Budlong.

The American Psychological Association was also infiltrated pursuant to GO 121569 MSH(1) by Scientology covert operative Larry Spinks, defendant Thomas' first husband. Spinks' unlawful endeavors within that organization were also supervised by defendant Hermann who had in fact recruited him for the job.

Finally, Guardian Program Order 1238 (document no. 8911, Exhibit No. 5) had as its "major target:"

To obtain the information necessary
to take over the control of NIMH
[National Institute of Mental Health]
while at the same time establishing
the lines and resources to be used
in taking over NIMH.

Also included in that program were the infiltration of the Public Health Service, the Food and Drug Administration, and the

Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA). The program called for approval by, among others, defendants Heldt and Weigand and fugitive defendants Kember and Budlong.

"Anti-Cult" Groups

The Los Angeles-seized documents set out a variety of actions instituted by the defendants and their organization against individuals and groups engaged in so-called "anti-cult" activities. Thus, in March 1976, defendant Weigand was informed that Scientology covert operatives were actively engaged against several persons who were either publishing books or giving lectures and speeches considered by the Guardian's Office to be anti-Scientology. In one such instance, defendant Weigand was told that an FSM was about to be placed with an individual who was involved in the Christian Research Institute and who "plans on writing entheta on Scientology." (Document no. 2238 at 3.) In that same report, defendant Weigand was also notified that another FSM would intercept an "anti-Scientology" book "before it hits public." (Id. at 1.) Also included was an April 1976 report to defendant Weigand attesting that a covert agent ("FSM") had been placed in the Volunteer Parents of America, an anti-cult group perceived to have the ability to harm Scientology. (Id. at 8.) Defendant Weigand routinely relayed these reports to his superiors in the Guardian's Office.

In February 1977, the Guardian's Office promulgated Guardian Program Order 1017 entitled "ARM (Anti-Religion Movement) Clean Sweep." (Document no. 13724.) It was written by unindicted co-conspirator George Pilat for defendants Heldt, Weigand and Budlong, and promulgated by fugitive defendant Jane Kember, the Guardian World-Wide. That order

called for the placement of "covert agents" for "data collection lines" with anti-cult groups. (Id. at 1.) It provided, however, that only defendants Heldt and Weigand could authorize the use by other bureaus of the Guardian's Office of the documents so obtained. (Id. at 2.)

The Information Bureau's activities in this regard were not solely of a "data-collection" nature. On February 14, 1977, defendant Weigand was notified by defendant Hermann/Cooper's wife Sandy Cooper that "[a]s you know we are setting up a kidnapping to be done eventually by Michale [sic] Trauscht, so as to set him up for fraud charges by the parents." (Document no. 16592.) Similarly, defendant Heldt directed defendant Raymond to set up a "covert op [operation]" which would lead to "the arrest of IFIF/IFFET [two anti-Scientology groups] principals and discrediting of ARM as a result." (Document no. 15722 at 2.) The scheme directed the planting of false documents in the organizations' files showing that they had committed illegal activities. (Id. at 5.) Defendant Heldt concluded that: "Now, IFIF/IFFET must be busted by the police -- raided with search warrants so files can be seized." (Id. at 6.) He listed as possibilities for the arrest the planting by Scientologists of drugs and illegal weapons. (Id. at 6-7.) Defendant Raymond, who now professes that she did not realize that burglaries of Government buildings and theft of Government property was illegal, wrote a note to another Guardian's Office official stating: "Henning [Heldt] did this as part of his course. Thought you might use it. Love Cindy." (Id. p.1.) 13/

These documents clearly demonstrate that these defen-

13/ See also document nos. 3512 et seq. which describes

dants who now complain about unfounded violations of their Fourth Amendment rights and their right to privacy, were prepared to trample upon those rights anytime it suited their purpose.

B. Law Firms

As part of their criminal activities some of the defendants actively engaged in burglaries and thefts of documents from private law firms in Washington, D.C., and Los Angeles, California, that represented private organizations sued by Scientology. These included the law firms of Sidley and Austin, Arent, Fox, Kintner, Plotkin and Kahn, and West-Girardi.

Because all Scientology covert operatives within the American Medical Association (AMA) in Chicago and Washington, D.C., had been blown, defendant Willardson ordered the infiltration of the AMA's law firm's offices in Washington, D.C., to obtain documents of interest to Scientology. These AMA documents were to be released to the press using the code name "Sore Throat," in order to embarrass and harrass the AMA. Thus, in May 1976, defendant Willardson ordered that "Judy actions" ^{14/} be carried out against the law firm of Sidley and Austin located at 1730 Pennsylvania Avenue, N.W., in Washington, D.C. To that end, two Scientologists entered the law firm's offices on a weeknight, after working hours, and after approximately one and one-half hours located the firm's AMA files. (Stip. 210-211 and n.155, Government Exhibit No. 132.) All these files, including one setting out an AMA investigator's findings regarding the infiltration of the AMA by Scientology operatives, were taken and photocopied.

^{14/} "Judy Action" were Scientology's code words for burglaries.

Some of these documents were subsequently surreptitiously released to the press at the AMA Convention in the summer of 1976. Copies of all stolen documents were sent to defendant Mitchell Hermann who was then using the alias Mike Cooper.

At least three burglaries were committed during the early months of 1976 at the law offices of Arent, Fox, Kintner, Plotkin and Kahn who then represented the St. Petersburg Times in a Scientology-initiated law suit. These burglaries and thefts of documents were carried out pursuant to the orders of defendant Mitchell Hermann. In February 1976 two entries were made into the office of Jack Bray and his secretary at the above-mentioned law firm, the first one by Richard Kimmel, the acting Assistant Guardian for Information in the District of Columbia,^{15/} and the second one by Kimmel and Michael Meisner. On each occasion, documents outlining the law firms strategy in defending the law suit brought against the St. Petersburg Times were taken. See Exhibit No. 7, a telex from defendant Duke Snider to the World-Wide Guardian's Office dated 13 February 1976 setting out information obtained by Kimmel from Mr. Bray's office.^{16/} The last entry occurred on or about March 8, 1976, and additional files were stolen. See Exhibit No. 8, a memorandum summarizing the stolen documents. On each occasion, the documents were taken to the Guardian's Office at 2125 S Street, N.W., in Washington, D.C., photocopied and returned to the law firm. As indicated in Exhibit No. 8 copies of all stolen documents were sent to defendant Mitchell Hermann.

^{15/} At that time, Michael Meisner who held the position of Assistant Guardian for Information was attending meetings in Los Angeles, California.

^{16/} Duke Snider was then on special temporary assignment in Clearwater, Florida.

Finally, beginning in February 1976, pursuant to orders approved by the defendant Richard Weigand, attempts were made to place a Scientology covert operative within the law firm of West-Girardi in Los Angeles, California, as an early warning project and in order "that any planned attack by this firm can be predicted." (See document no. 2238 at p. 3.)

C. Private Individuals And Public Officials

The defendants participated in a number of covert operations against private individuals and public officials to destroy and discredit these persons because they had either attempted to exercise their First Amendment rights by criticizing Scientology or by attempting to carry out their duties as public officials.

Paulette Cooper

In 1976 the highest ranking Scientologists in the United States, including at least six of the defendants,^{17/} designed a series of plans which had as their goal the imprisonment or commitment to a mental institution of one of their critics, an author and journalist named Paulette Cooper. Paulette Cooper is the author of The Scandal of Scientology, a work highly critical of Scientology.

In the Spring of 1976 six separate schemes were devised with the express purpose

"To get P.C. (Paulette Cooper) incarcerated in a mental institution or jail, or at least to hit her so hard that she drops her attacks."

(See Operation Freakout dated 1 April 1976, document no. 11422, Exhibit No. 8; see also documents nos. 11972-11973, Exhibit No. 10.) Its stated purpose was "[t]o remove PC [Paulette

^{17/} These included defendants Heldt, Snider, Weigand, Willardson, Hermann and Raymond.

Cooper] from her position of Power so that she cannot attack the C[hurch] of S[cientology]." (See also defendant Hermann's proposals in document no. 12887 at 7 et seq.) The six separate schemes were jointly entitled "Operation Freakout." In its initial form Operation Freakout had three different plans. The first required a woman to imitate Paulette Cooper's voice and make telephone threats to Arab Consulates in New York. (Documents nos. 11422 at 3, 11973 at 2-3.) The second scheme involved mailing a threatening letter to an Arab Consulate in such a fashion that it would appear to have been done by Paulette Cooper. (Documents nos. 11422 at 3-4, 11973 at 3-4.) Finally, a Scientology field staff member was to impersonate Paulette Cooper at a laundry and threaten the President and the then Secretary of State Henry Kissinger. (Documents nos. 11422 at 5, 11973 at 5, 11972.) A second Scientologist would thereafter advise the FBI of the threat. (Documents nos. 11422 at 5, 11973 at 5.) Defendant Weigand approved these three schemes and defendant Willardson added his own amendments to improve them. (Documents nos. 11422-11423, 9058.)

Two additional plans to Operation Freakout were added on April 13, 1976. Unindicted co-conspirator Bruce Raymond, the National Operations Officer, sent the two plans to defendants Willardson and Cindy Raymond. (Documents nos. 11422 at 9-10, 11423, Exhibit No. 11.) The fourth plan called for Scientology field staff members who had ingratiated themselves with Cooper to gather information from Cooper so Scientology could assess the success of the first three plans.^{18/} (Documents nos. 11422 at 6, 11973 at 6.)

^{18/} On April 2, 1976, which was during the period of time that Operation Freakout was being drafted, defendant Weigand wrote a compliance report indicating that a field staff member of Scientology was in close communication with Paulette Cooper monitoring Cooper's plans and movements. (Document no. 9058.)

The fifth plan was for a Scientologist to warn an Arab Consulate by telephone that Paulette Cooper had been talking about bombing them. (Documents nos. 11422 at 6, 11973 at 6.)

The Sixth and final part of Operation Freakout was sent to defendants Weigand, Willardson and Raymond on April 13, 1976 by Bruce Raymond, a/k/a Randy Windment. (Document no. 11423.) In this plan Scientologists were to obtain Paulette Cooper's fingerprints on a blank piece of paper, type a threatening letter to Kissinger on that paper, and mail it. Defendants Weigand and Willardson approved this plan. (Documents nos. 11422-11423, 9058.) The plan required that no fingerprints of any Scientologist be on the piece of paper.^{19/}

Later in the year 1976, defendant Heldt ordered defendant Weigand to analyze Paulette Cooper's connection to the St. Petersburg Times lawsuit against Scientology which accused Scientology of harrassment by litigation. He also asked for

^{19/} The sixth plan bears a distinct resemblance to a scheme of Scientologists in 1972 and 1973 against Paulette Cooper. In 1972 Scientologists obtained Paulette Cooper's fingerprints on a blank piece of paper, typed two bomb threat letters on that and another piece of paper, sent the threats to Scientology offices in New York, and then advised the FBI that they had received the threats and that they may have come from Cooper. Paulette Cooper was indicted in the Southern District of New York in 1973 for making these threats. An order Nolle Prosequi was filed on that indictment in 1975. As Bruce Raymond/Randy Windment noted in his April 13, 1976 "CSW" to defendant Weigand, which Weigand approved, the sixth plan of Operation Freakout was likely to prove effective since the same kind of scheme against Cooper had worked in the past.

Attached is approved Operation Freakout.
This additional channel [the sixth plan] should really have her put away.
Worked with all the other channels.
The F.B.I., already think she really
did the bomb threats on the C of S
[Church of Scientology].

(Document no. 11423.) In a letter dated June 6, 1974, defendant Snider informed defendant Heldt that defendant Willardson had been involved in that scheme. (Document no. 8826.)

any recommendation for "handling" Cooper. (Document no. 20703.) In response, defendant Hermann, a/k/a Mike Cooper, prepared a report accusing Paulette Cooper to be the source of the St. Petersburg Times idea of suing Scientology for harassment by litigation.^{20/} Defendant Hermann/Cooper also charged that Paulette Cooper had been responsible for suggesting to the Department of Justice that Scientology had harassed the Government through filing lawsuits. He recommended that Scientology settle outstanding litigation with Paulette Cooper and "then hit her with OPS [operations] to ensure she is not again in a position to attack us." (Document no. 12887 at 5-9.) Defendant Weigand passed the Hermann/Cooper recommendations on to Heldt. Weigand endorsed the idea of pacifying Paulette Cooper by settling outstanding litigation with her, in the hopes of catching her off-guard when Scientologists implemented schemes to harm her. He stated that after settling the litigation with Paulette Cooper the goal of Scientology should be to

"quietly hit . . . her with Ops [operations] so she won't again get to a position from which she can attack the Church."

(Document no. 12887 at 3; see also document no. 12887.) ^{21/}

^{20/} Cooper herself has been sued by the Church of Scientology on numerous occasions and in many jurisdictions around the world. Since 1970 the Church of Scientology has filed six lawsuits in three foreign countries and numerous lawsuits in the United States against Cooper. With the exception of three foreign lawsuits and a counterclaim in an American lawsuit, all of the actions have been dismissed.

^{21/} In another vicious campaign to smear the reputation of Ms. Cooper, the defendants spread vile rumors that were totally false about her sex life. (Document no. 12837 addressed to defendant Weigand and initialed by defendant Willardson; see also document no. 12887 at 1-2.)

Gabriel Cazares

When Scientology first decided to set up a base in Clearwater, Florida, in late 1975, it did so using the cover name of "United Churches of Florida" (UCF) with no outward connection to Scientology. Gabriel Cazares, who was Clearwater's Mayor, campaigned for the disclosure of the true purposes of the UCF. When UCF's connections to Scientology were uncovered, Mayor Cazares became highly critical of Scientology. Because of his criticism, Mayor Cazares was targetted by the Information Bureau of Guardian's Office and covert operations designed to remove him from office were ordered.

To that end, in early March 1976, defendant Hermann notified defendant Snider that Mayor Cazares was about to attend a Mayor's Conference in Washington, D.C., on March 13-17, and that Assistant Guardian for Information in Clearwater Joe Lisa was formulating a covert operation that Mayor Cazares had a mistress. (Document no. 19649; Exhibit No. 12.) Shortly, thereafter, defendant Hermann ordered Mr. Meisner to carry out an operation on Mayor Cazares during his Washington trip -- that operation was to involve a fake hit-and-run accident. Defendant Sharon Thomas was to be the main participant in that operation. She was to meet Mayor Cazares, drive him around town, and at a predetermined location stage a hit-and-run accident with Mr. Meisner as the "victim."

At the same time that defendant Hermann was directing Mr. Meisner to carry out the "accident," defendant Weigand responded to defendant Snider's earlier orders by sending him a list of Clearwater, Florida, "enemies" and their priority for "handling" purposes. (Document no. 19645; Exhibit No. 13.)

Mayor Cazares ranked second on the defendants Weigand's and Snider's list, right behind the St. Petersburg Times.

On March 14, 1976, District of Columbia Collections Officer Joseph Alesi, posing as a reporter interviewed Mayor Cazares. During that interview, he met defendant Sharon Thomas. Thomas then offered to show Mayor Cazares the town. During that drive, defendant Thomas, who was driving, staged her fake hit-and-run accident in Rock Creek Park, hitting Michael Meisner. She drove on without reporting the accident to the police. Of course, defendant Thomas knew that no harm had been caused to the "victim." (Document no. 23000; Exhibit No. 14.) In a letter dated March 15, 1976, to CSG Assistant for Information Jimmy Mulligan and fugitive defendant Morris (Mo) Budlong, defendant Weigand discussed how Scientology could use that "fake" accident against Mayor Cazares and concluded that "I should think that the Mayor's political days are at an end." (Id. at 2.)

In March 1976, defendant Willardson approved another "operation" directing that false marriage documents be planted to show that Mayor Cazares had been secretly married in Tijuana, Mexico, in 1938-1940 and that he was, therefore, a bigamist. The operation was approved by defendant Weigand on March 30, 1976. (Documents nos. 11376 and 11377.)

On June 6, 1976, defendant Snider wrote Guardian Program Order 398 entitled "Mayor Cazares Handling Project," which was approved by defendant Heldt and promulgated by fugitive defendant Kember. Its purpose was "to remove Cazares from any position from which he can inhibit the expansion of Scientology" and called for, among other things: (1) carrying "out a covert campaign to create strife between Cazares and the City Commission"; and (2) placing a covert operative in

his Congressional campaign organization. (Document no. 1474.) In the Summer of 1976, fake letters from "Sharon T" were mailed by Scientology to citizens in the Clearwater area stating that Mayor Cazares had been involved in a hit-and-run accident. The stated purpose of this smear campaign was to discredit the Mayor. Reports were sent to defendant Hermann as Southeast US Secretary, defendants Heldt and Weigand. (Documents nos. 17073-17074; Exhibits Nos. 15-16.) Also during that time "Project Taco-Less" was issued, calling for the release of "further data about the Mayor" to "ruin his political career and remove/restrain him as an opponent to Scn [Scientology]." (Documents nos. 1504-1505.) On November 3, 1976, unindicted co-conspirator Joe Lisa informed defendant Snider that Mayor Cazares had been defeated in the Congressional race as a result of the implementation of Guardian Program Order 398 and the other Scientology actions which included "[p]hone calls . . . spreading rumors inside his camp, contributing to disorganization in his campaign" (Document no. 1491.)

Senator Dennis DeConcini

Arizona Senator Dennis DeConcini was "targeted" by the Information Bureau of the Guardian's Office because of his support for various anti-cult groups referred to in part A supra.

"Operation Devil's Wop" was ordered implemented by defendant Weigand on April 4, 1977, pursuant to a direct order from the highest official of the Guardian's Office and the Church of Scientology. (Document no. 8942 at 3.) The operation called for the eventual distribution to the press of a report falsely linking Senator DeConcini with organized

crime figures and accusing him of being involved in questionable real estate transactions. In early June 1977 the writing of the report was assigned to Mr. Meisner due to his familiarity with the District of Columbia and his previous dealings with the press. (Document no. 8942.)

Celebrities 22/

On January 4, 1976, defendant Weigand drafted Guardian Order 1361-3 which was approved by defendant Heldt and issued by fugitive defendant Kember. The program called for the theft of Los Angeles IRS Intelligence files on "celebrities, politicians and big names." In complete disregard for the rights of these individuals, defendant Weigand's program directed that the stolen information be published. (Document no. 11513.) In fact, IRS files on former California Governor Edmund Brown, current California Governor Edmund Brown, Jr., Los Angeles Mayor Tom Bradley and his wife, and Frank Sinatra were stolen from the IRS' Los Angeles offices and forwarded to defendants Heldt and Weigand for disclosure to the press. (Documents nos. 11514, 1546, and 1548.) Undoubtedly recognizing the serious implications of having such files in his possession, defendant Heldt returned them to defendant Weigand stating that "I don't need such hot stuff in my files." (Document no. 1548 at 2; Exhibit No. 17.)

D. Newspapers

The defendants and their organization mounted a head-on assault upon newspapers that had been critical of Scientology.

22/ These are but four examples of the numerous operations conducted against private citizens and public officials. A review of the documents seized in Los Angeles shows the incredible scope of these operations.

They infiltrated newspapers and in other instances, without disclosing that they were associated with Scientology, planted stories of interest to their organization. The following are but a handful of their blatant criminal activities against the press.

In November 1975, defendant Willardson ordered Michael Meisner to send three District of Columbia covert agents to Clearwater. One of the operatives sent to Clearwater was June Byrne, the blown AMA agent. In Clearwater, Ms. Byrne infiltrated the Clearwater Sun and provided Scientology almost daily reports on the activities of that newspaper. (See e.g., documents nos. 17988, 17991, 17995, 17996, 18006 which deal with less than a two-week period.) She remained as Scientology's covert operative at the Sun until late 1976 when she was withdrawn out of fear that her cover had been blown. (Document no. 8569 at 12 -- an attachment to a report written by defendant Weigand.)

On March 19, 1976, defendant Weigand received a memorandum from National Operations Officer Bruce Raymond, a/k/a Randy Windment, outlining a covert operation against Eugene Patterson, the editor and president of the St. Petersburg Times. The operation which was approved by defendant Weigand, involved the making of phone calls to Patterson's wife and others designed to discredit Patterson with St. Petersburg Times owner Nelson Poynter.

A second operation was directed against St. Petersburg Times reporter Bette Orsini and was designed to inhibit her from writing articles about Scientology. Pursuant to that operation, documents allegedly linking the local Easter Seal Society, which was headed by Ms. Orsini's husband, with various alleged tax law violations were distributed in Clearwater and

elsewhere. Interestingly, this operation backfired on the Scientologists when Ms. Orsini traced the anonymous mailings to a Scientology covert agent at the Clearwater Chamber of Commerce -- Jody Gumpert. (Document no. 8569.)

In the Spring of 1975, defendant Hermann approved the placement of covert agent Charles Judge as a security guard at The Washington Post in the District of Columbia. Mr. Judge provided the District of Columbia's Information Bureau with research material which he secured from the Post's files.

During 1972 and 1973, defendant Hermann, in order to more efficiently carry out his Information Bureau duties, used the cover of a newspaper reporter for the Trans-International Press Service (TIPS) -- an Information Bureau cover organization. When TIPS' connection with Scientology was exposed during the summer of 1973, defendant Hermann, to preserve his cover, obtained employment on an unpaid basis with the Washington Informer newspaper. He wrote a weekly column which represented the views of Scientology and attacked Scientology's opponents. When defendant Hermann left the District of Columbia in March 1975 he was replaced in that position by Information Bureau staff member Joseph Alesi. It is interesting that while defendant Hermann disclosed to the Probation Office that he was employed by the Washington Informer, he failed to disclose that he was employed as a Scientology agent.

E. State and Local Government Agencies

Numerous state and local Government agencies through the United States were targeted for infiltration by defendants and their Guardian's Office. These infiltrations and thefts were called for by Guardian Program Order 302 and Guardian Order 1080. Guardian Program Order 302 ordered the infiltration of

of all Governmental agencies that refused to acquiesce to Scientology's demand for access to their files. 22/

On March 4, 1974, fugitive defendant Jane Kember issued GO 1080, an umbrella program ordering for the infiltration of the California Attorney General's Office and all local district attorney's offices in California. (Document no. 1317 at 1-12.) 23/ On January 13, 1976, a sub-project of GO 1080 regarding the Los Angeles Office of the California Attorney General was promulgated. It directed that that office be infiltrated "through any way or means and then locate and obtain full copies of any and all files on the C of S, C of S investigations, etc." (Document no. 1317 at 13-15.) On February 12, 1976, Sherry Hermann, a/k/a Sandy Cooper, reported to defendants Weigand and Heldt, among others, that keys to the Attorney General's office had been obtained. (Document no. 1318 at 2.) This report was subsequently appended to a letter dated February 17, 1976, from defendant Weigand to defendant Heldt in which Weigand agreed with Heldt that greater security for such reports would be needed. (Id. at 1.) Defendant Weigand also outlined for the benefit of fugitive defendant Budlong the progress of GO 1080, appending excerpted stolen data prepared by defendant Raymond.

22/ Thus, pursuant to GPgmO 302, Deac Finn, the Assistant Guardian for Information in New England (AGI NE), wrote to defendant Weigand on June 8, 1976, requesting Weigand's approval for Finn's project to infiltrate the Suffolk County District Attorney's Office (document no. 1535, p. 2), noting that GPgmO 302 required Weigand's approval for such actions. See also document no. 21703 entitled "Project Owl" which sets out defendant Hermann's plans for such infiltration in response to the planned investigation of the Church for criminal fraud and of one of its members for kidnapping. (Id.)

23/ That order was directed "TO THOSE CONCERNED" which included, among others, the "DG US" (defendant Heldt), the "DG Info US" (defendant Weigand) and the "D/D/G Info US" (defendant Willardson), all of whom had been assigned targets under that program.

(Document no 1323; See also document no. 1336 -- a similar letter from defendant Willardson to fugitive defendant Kember, routed through defendants Heldt, Weigand and Budlong.)

In December 1975, defendant Snider chastised defendant Weigand for his slowness in complying with Target 9 of GO 1080. That target directed the theft of files from the Los Angeles District Attorney's and Attorney General's offices. (Document no. 1377.)

In March 1976, a smear campaign entitled "Operation Snapper 1" was devised within the Information Bureau to have Lawrence Tapper, a perceived enemy, removed from his post in the California Attorney General's Office. (Document no. 11510.) The project included, among other things, having a pregnant female covert operative ("FSM") publicly confront Tapper in his office and blame him for her pregnancy. (Id. at 2.) ^{24/} On November 18, 1976, defendant Willardson directed Sherry Hermann/Sandy Cooper to plan and execute further operations against Mr. Tapper. (Document no. 1110.) That letter was routed through defendant Weigand.

On August 10, 1976, Ms. Hermann/Cooper reported to defendant Weigand compliance with Guardian Program Order 302 as it pertained to the Los Angeles District Attorney's Office. (Document no. 149; documents nos. 11591-11595 are copies of documents stolen from that office.) On that same date, she also reported to defendant Weigand that she had complied with Guardian Order 1080 and Guardian Program Order 302 as far as the Yolo County District Attorney's Office was concerned. (Document no. 813.)

^{24/} A second part of the plan called for a "Male FSM" to call Tapper's office and pretend to be the father of the pregnant woman, and for letters to be written making it appear that Tapper was getting payoffs.

Finally, in March and April 1976, a series of orders and projects, copies of which were sent to and approved by defendant Weigand, directed the infiltration of the California Department of Health, Board of Medical Examiners, Mental Health Association, Department of Social Services, Los Angeles Police Department, Los Angeles offices of the United States Customs Service and United States Postal Service, the office of Representative, and then Lieutenant-Governor, Melvin Dymally, and the burglary of the home of James Estabrook, an official of the California Department of Health. (Document no. 14786.) 25/

VI.

Conclusion

The above recitation of evidence establishes beyond peradventure the massiveness of the conspiracies engaged in by each of the defendants. It also puts to rest their protestation that they only burglarized Government offices and stole Government documents because of some imaginary Governmental harrassment campaign against them.

The brazen and persistent burglaries, thefts and buggings directed against the United States Government were but one minor aspect of the defendants wanton assault upon the laws of this country. The well-orchestrated campaign to thwart the federal Grand Jury investigation by destroying evidence, giving false fingerprints in response to a Grand Jury

25/ On a more international scale, defendant Cindy Raymond wrote Guardian Program Order 283 which ordered the infiltration of the United Nations to provide feedback on a submission which Scientology intended to make to the United Nations. The program was approved by the defendants Willardson, Weigand, Heldt, and Budlong, and promulgated by fugitive defendant Kember. (Document no. 561.) It was defendant Raymond's responsibility to ensure that the ordered infiltration was in fact carried out. (Documents nos. 502, 506, 509.) Defendants Heldt and Weigand had immediate supervision over the implementation of that order. (Document no. 522.)

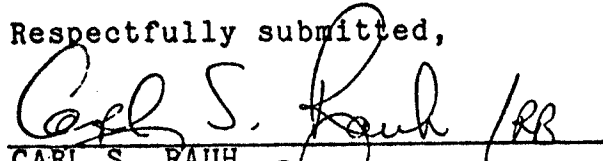
subpoena, harboring a fugitive, kidnapping a witness, preparing an elaborate cover-up story, and assisting in the giving of false statements to the Grand Jury shows the contempt which these defendants had for the judicial system of this country. Their total disregard for the laws is further made clear by the criminal campaigns of villification, burglaries and thefts which they carried out against private and public individuals and organizations and carefully documented in minute detail. One can only wonder about the crimes set forth in the documents secreted in their "Red Box." That these defendants were willing to frame their critics to the point of giving false testimony under oath against them, and having them arrested and indicted speaks legion for their disdain for the rule of law. Indeed, they arrogantly placed themselves above the law meting out their personal brand of punishment to those "guilty" of opposing their selfish aims.

The crimes committed by these defendants is of a breadth and scope previously unheard of. No building, office, desk, or file was safe from their snooping and prying. No individual or organization was free from their despicable conspiratorial minds. The tools of their trade were miniature transmitters, lock picks, secret codes, forged credentials, and any other device they found necessary to carry out their conspiratorial schemes. It is interesting to note that the founder of their organization, ~~unindicted co-conspirator~~ L. Ron Hubbard, wrote in his dictionary entitled "Modern Management Technology Defined" (which was introduced in evidence at the motion to suppress hearing) that "truth is what is true for you." Thus, with the founder's blessings they could wantonly commit perjury as long as it was in the interest of Scientology.

The defendants rewarded criminal activities that ended in success and sternly rebuked those that failed. The standards of human conduct embodied in such practices represent no less than the absolute perversion of any known ethical value system. In view of this, it defies the imagination that these defendants have the unmitigated audacity to seek to defend their actions in the name of "religion." That these defendants now attempt to hide behind the sacred principles of freedom of religion, freedom of speech and the right to privacy -- which principles they repeatedly demonstrated a willingness to violate with impunity -- adds insult to the injuries which they have inflicted on every element of society.

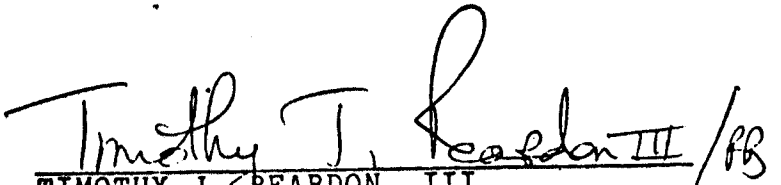
These defendants, their co-conspirators, their organization, and any other individual or group that might consider committing similar crimes, must be given a clear and convincing message: criminal activities of the types engaged in here shall not be tolerated by our society. Anyone who tampers with the judicial system as was done in the instant case must be dealt with as sternly as permitted by law. The United States submits that the only appropriate punishment in this case, the only one that is in the best interest of justice and the public, is a maximum term of incarceration and, where appropriate, the maximum fine provided by law.

Respectfully submitted,


CARL S. RAUH
United States Attorney


RAYMOND BANOUN
Assistant United States Attorney


STEVEN C. TABACKMAN
Assistant United States Attorney


TIMOTHY J. REARDON, III
Assistant United States Attorney
in absentia

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Sentencing Memorandum has been hand-delivered to counsel on this 3rd day of December, 1979:

Leonard B. Boudin, Esquire
30 East 42nd Street
New York, New York 10017

Michael Lee Hertzberg, Esquire
275 Madison Avenue
New York, New York 10016
Attorneys for Defendant Hubbard

Roger E. Zuckerman, Esquire
Roger C. Spaeder, Esquire
1800 M Street, N.W.
Suite 375 North
Washington, D.C. 20036
Attorneys for Defendants Willardson
and Weigand

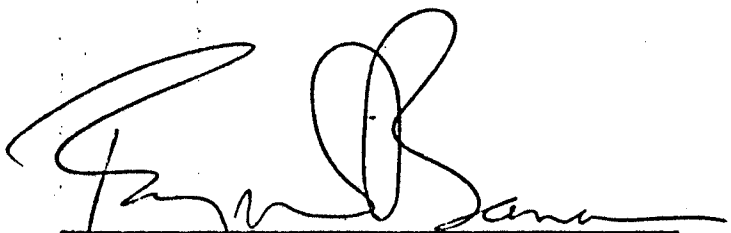
Michael Nussbaum, Esquire
1800 M Street, N.W.
Suite 250 North
Washington, D.C. 20036

Earl C. Dudley, Jr., Esquire,
1901 L Street, N.W.
Washington, D.C. 20036
Attorneys for Defendants Hermann
and Raymond

Philip J. Hirschkop, Esquire
108 North Columbus Street
P.O. Box 1226
Alexandria, Virginia 22313
Attorney for Defendants Heldt
and Snider

Leonard J. Koenick, Esquire
236 Massachusetts Avenue, N.E.
Suite 602
Washington, D.C. 20002

John Kenneth Zwerling, Esquire
108 North Columbus Street
P.O. Box 383
Alexandria, Virginia 22313



RAYMOND BANOUN
Assistant United States Attorney
Room 2120, U.S. Courthouse